FEDERAL REGISTER

VOLUME 18 NUMBER 123

Washington, Thursday, June 25, 1953

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF LABOR

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) (2), (b) and (d) of § 6.113 are revoked, and the positions listed below are excepted from the competitive service under Schedule C.

§ 6.313 *Department of Labor*—(a) *Office of the Secretary.* (1) Three special assistants, one confidential assistant, and one confidential assistant (private secretary) to the Secretary of Labor.

(2) One chauffeur for the Secretary of Labor.

(3) One special assistant and one private secretary to the Under Secretary of Labor.

(4) One private secretary to each Assistant Secretary of Labor who is appointed by the President.

(b) *Office of the Solicitor* (1) One Associate Solicitor.

(2) One private secretary to the Solicitor.

(c) *Office of Information.* (1) Director.

(d) *Bureau of Employment Security.* (1) Director.

(2) Deputy Director.

(3) One private secretary to the Director.

(e) *Bureau of Labor Statistics.* (1) One private secretary to the Commissioner.

(f) *Bureau of Apprenticeship.* (1) Director.

(2) Deputy Director.

(3) One private secretary to the Director.

(g) *Women's Bureau.* (1) Assistant Director.

(2) One private secretary to the Director.

(h) *Bureau of Labor Standards.* (1) Director.

(2) One Associate Director.

(3) One private secretary to the Director.

(i) *Wage and Hour and Public Contracts Divisions.* (1) Deputy Administrator.

(2) One private secretary to the Administrator.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 53-5606; Filed, June 24, 1953; 8:49 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL TRADE COMMISSION

Effective upon publication in the FEDERAL REGISTER, the position listed below is excepted from the competitive service under Schedule C.

§ 6.330 *Federal Trade Commission.*

* * *

(b) One confidential administrative assistant to the Chairman.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 53-5609; Filed, June 24, 1953; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS[1]

U. S. STANDARDS FOR GRADES OF CANNED CREAM STYLE CORN

A notice of proposed rule making was published on May 2, 1953, in the FEDERAL

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(Continued on p. 3629)

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FEDERAL REGISTER

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CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

REGISTER (18 F. R. 2590) regarding proposed United States Standards for Grades of Canned Cream Style Corn. After considering all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Canned Cream Style Corn are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.), and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

§ 52.268 *Canned cream style corn*—(a) *Definitions.* "Canned cream style corn" means the canned product properly prepared from the clean, sound, succulent kernels of sweet corn as defined in the definition and standard of identity for canned corn (21 CFR 51.20) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(b) *Colors of canned cream style corn.* (1) White.

(2) Golden or yellow.

(c) *Grades of canned cream style corn.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned cream style corn that possesses similar varietal characteristics; that is tender; that possesses a good color; that possesses a good consistency; that is practically free from defects; that possesses a very good flavor; and that for those factors which are scored in accordance with the scoring system outlined in this section the total score is not less than 90 points: *Provided,* That the cream style corn may possess a reasonably good color, a reasonably good consistency, a good flavor, and may be reasonably tender, scoring not less than 26 points if the total score is not less than 90 points.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of canned cream style corn that possesses similar varietal characteristics; that is reasonably tender; that possesses a reasonably good color; that possesses a reasonably good consistency; that is reasonably free from defects; that possesses a good flavor; and that for those factors which are scored in accordance with the scoring system outlined in this section the total score is not less than 80 points: *Provided,* That the cream style corn may possess a fairly good color, scoring not less than 7 points if the total score is not less than 80 points.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of canned cream style corn that possesses similar varietal characteristics; that is fairly tender; that possesses a fairly good color; that possesses a fairly good consistency; that is fairly free from defects; that possesses a fairly good flavor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "Substandard" is the quality of canned cream style corn that fails to meet the requirements of U. S. Grade C or U. S. Standard and may or may not meet the minimum standards of quality for canned cream style corn issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(d) *Fill of container for canned cream style corn.* The standard of fill of container for canned cream style corn is not incorporated in the grades of the finished product, since fill of container, as such, is not a factor of quality for the purpose of these grades. The standard fill of container for canned cream style corn is a fill of not less than 90 percent of the total capacity of the container. Canned cream style corn that does not meet this requirement is "Below standard in fill."

(e) *Ascertaining the grade.* (1) The grade of canned cream style corn is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, consistency, absence of defects, tenderness and maturity, and flavor.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factor:	*Points*
(i) Color	10
(ii) Consistency	20
(iii) Absence of defects	20
(iv) Tenderness and maturity	30
(v) Flavor	20
Total score	100

(f) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points)

(1) *Color.* (i) Canned cream style corn that possesses a good color may be given a score of 9 or 10 points. "Good color" means that the cut kernels possess a practically uniform color typical of tender sweet corn and that the product is bright and is practically free from "off-variety" kernels.

(ii) Canned cream style corn that possesses a reasonably good color may be given a score of 8 points. "Reasonably good color" means that the kernels pos-

sess a reasonably uniform color typical of reasonably tender sweet corn, and that the product may lack brightness but not to the extent that the appearance is materially affected, and is reasonably free from "off-variety" kernels.

(iii) Canned cream style corn that possesses a fairly good color may be given a score of 6 or 7 points. Canned cream style corn that scores 7 points in this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, and if scored 6 points in this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule) "Fairly good color" means that the kernels possess a fairly uniform color typical of fairly tender sweet corn and that the product may be dull, but not to the extent that the appearance is seriously affected, and is fairly free from "off-variety" kernels.

(iv) Canned cream style corn that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 5 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

(2) *Consistency.* (i) The factor of consistency refers to the viscosity of the product, to the degree of smoothness, and to the separation of free liquor.

(ii) Canned cream style corn that possesses a good consistency may be given a score of 18 to 20 points. "Good consistency" means that the canned cream style corn, after stirring and emptying from the container to a dry flat surface, possesses a heavy cream-like consistency, with not more than a slight appearance of curdling, forms a slightly mounded mass, and that at the end of two minutes after emptying on the dry flat surface there is practically no separation of free liquor.

(iii) If the canned cream style corn has a reasonably good consistency a score of 16 or 17 points may be given. "Reasonably good consistency" means that the canned cream style corn, after stirring and emptying from the container to a dry flat surface, has a reasonably good creamy consistency, with not more than a moderate appearance of curdling, may flow just enough to level off to a nearly uniform depth or may be moderately stiff and moderately mounded, and that at the end of two minutes after emptying on the dry flat surface there may be a slight separation of free liquor.

(iv) Canned cream style corn that has a fairly good consistency may be given a score of 14 or 15 points. Canned cream style corn that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly good consistency" means that the canned cream style corn, after stirring and emptying on a dry flat surface, may be thin but not excessively thin, or thick but not excessively dry, pasty, or crumbly, or moderately but not excessively curdled, and that at the end of two minutes after emptying on the dry flat surface there may be a moderate but not excessive separation of free liquor. The approximate circular area over which the product spreads when emptied on a dry flat surface shall not exceed 12 inches: *Provided,* That when the washed, drained residue of canned cream style corn contains more than 20 percent of alcohol insoluble solids, the average diameter of the area over which the product spreads shall not exceed 10 inches.[2]

(v) Canned cream style corn that fails to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule) and may also be graded "Below Standard in Quality" for the following reason: Excessively liquid.

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from pieces of cob, husk, silk, or other harmless extraneous vegetable matter, from pulled kernels, and from discolored kernels or other defects.

(ii) Canned cream style corn that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that pieces of cob, husk, silk, or other harmless extraneous vegetable matter, pulled kernels, discolored kernels, or other defects may be present that do not more than slightly affect the appearance or eating quality of the product.

(iii) If the canned cream style corn is reasonably free from defects, a score of 16 or 17 points may be given. Canned cream style corn that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule) "Reasonably free from defects" means that pieces of cob, husk, silk, or other harmless extraneous vegetable matter, pulled kernels, discolored kernels, or other defects may be present that do not materially affect the appearance or eating quality of the product.

(iv) Canned cream style corn that is fairly free from defects may be given a score of 14 or 15 points. Canned cream style corn that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly free from defects" means that pieces of cob, husk, silk, or other harmless extraneous vegetable matter, pulled kernels, discolored kernels, or other defects may be present that do not seriously affect the appearance or eating quality of the product, and that:

For each 20 ounces of net weight there may be present:
Not more than 1 cubic centimeter of pieces of cob; [2] and
Not more than 1 square inch (1" x 1") of husk; [2] and that
For each 2 ounces of net weight there may be present:
Not more than 1 brown or black discolored kernel or piece of kernel; [2] and that
For each 1 ounce of net weight there may be present:
Not more than 6 inches of silk.[2]

(v) Canned cream style corn that fails to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule), and may also be graded "Below Standard in Quality" for the applicable reasons:

Excessive discolored kernels.
Excessive cob.
Excessive husk.
Excessive silk.

(4) *Tenderness and maturity.* (i) Canned cream style corn that is tender may be given a score of 27 to 30 points. "Tender" means that the kernels are in the milk, early cream, or middle cream stage of maturity, have a tender texture, and that pieces of the interior portions of corn kernels or ground kernels are characteristic of sweet corn in the milk, early cream, or middle cream stage of maturity.

(ii) If the canned cream style corn is reasonably tender a score of 24 to 26 points may be given. Canned cream style corn that scores less than 26 points in this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a partial limiting rule) "Reasonably tender" means that the kernels are in the middle cream stage to late cream stage of maturity, have a reasonably tender texture, and that pieces of the interior portions of corn kernels or ground kernels are characteristic of sweet corn in the middle cream to late cream stage of maturity.

(iii) Canned cream style corn that is fairly tender may be given a score of 22 or 23 points. Canned cream style corn that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly tender" means that the kernels are in the early dough or dough stage of maturity, may be firm but not hard or tough, and that pieces of the interior portions of corn kernels or ground kernels are characteristic of sweet corn in the early dough or dough stage of maturity. The weight of the alcohol insoluble solids of the washed, drained material [2] does not exceed 27 percent of the weight of such material.

(iv) Canned cream style corn that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule), and may also be graded "Below Standard in Quality."

(5) *Flavor* (i) The factor of flavor refers to the palatability of the product. The natural flavor of the sweet corn and the effects of added sugar (sucrose) and salt are considered in evaluating this factor.

(ii) Canned cream style corn that possesses a very good flavor may be given a score of 18 to 20 points. "Very good flavor" means that the product includ-

[2] Determined as outlined in the Standard of Quality for Canned Sweet Corn (21 CFR 51.21) promulgated under the Federal Food, Drug, and Cosmetic Act.

ing added seasoning ingredients has a very good characteristic flavor and odor typical of tender canned sweet corn.

(iii) If the canned cream style corn possesses a good flavor, a score of 16 or 17 points may be given "Good flavor" means that the product including added seasoning ingredients has a good characteristic flavor and odor typical of reasonably tender canned sweet corn

(iv) Canned cream style corn that possesses a fairly good flavor may be given a score of 14 or 15 points Canned cream style corn that falls into this classification shall not be graded above U S Grade C or U S Standard, regardless of the total score for the product (this is a limiting rule) "Fairly good flavor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind

(v) Canned cream style corn that fails to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

(f) *Tolerances for certification of officially drawn samples* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned cream style corn the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(iv) The average score of all containers for any factor subject to a limiting rule must be within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(2) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug and Cosmetic Act and in effect at the time of the aforesaid certification.

(g) *Score sheet for canned cream style corn*

Number, size, and kind of container
Container marks or identification
Label
Net weight (ounces)
Vacuum (inches)
Color (white or golden)

Factors		Score points	
I Color	10	(A)	9-10
		(B)	8
		(C)	[1] 6- 7
		(Substd)	[2] 0- 5
II Consistency	20	(A)	18-20
		(B)	16-17
		(C)	[1] 14-15
		(Substd)	[2] 0-13
III Absence of defects	20	(A)	18-20
		(B)	[1] 16-17
		(C)	[1] 14-15
		(Substd)	[2] 0-13
IV Tenderness and maturity	30	(A)	27-30
		(B)	[1] 24-26
		(C)	[1] 22-23
		(Substd)	[2] 0-21
V Flavor	20	(A)	18-20
		(B)	16-17
		(C)	[1] 14-15
		(Substd)	[2] 0 13
Total score	100		
Grade			

[1] Indicates partial limiting rule.
[2] Indicates limiting rule

(h) *Effective time and supersedure* The revised United States Standards for Grades of Canned Cream Style Corn (which are the fifth issue) contained in this section will become effective 30 days after date of publication in the FEDERAL REGISTER and shall thereupon supersede the United States Standards for Grades of Canned Cream Style Corn which have been in effect since July 30, 1952

(Sec. 205, 60 Stat 1090, 66 Stat 336; 7 U S C 1624)

Issued at Washington, D C, this 19th day of June 1953

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration

[F R Doc 53-5604; Filed June 24, 1953; 8:49 a m]

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—HAWAIIAN FRUITS AND VEGETABLES

ADDITION OF SMOOTH COMMERCIALLY PACKED CAYENNE PINEAPPLES TO LIST OF PRODUCTS WHICH MAY BE MOVED INTERSTATE FROM HAWAII AFTER INSPECTION AND CERTIFICATION

Pursuant to the authority conferred upon him by section 8 of the Plant Quarantine Act of 1912 as amended (7 U S C 161) the Secretary of Agriculture hereby amends § 301 13-2 (b) of the regulations supplemental to the quarantine relating to the interstate movement of Hawaiian fruits and vegetables (7 CFR 301 13-2 (b)) by inserting 'Pineapples (Ananas sativa), smooth Cayenne, commercially packed" after the item "Perilla (Perilla frutescens)" in the list of fruits and vegetables allowed movement from Hawaii throughout the year in compliance with the inspection and certification requirements of § 301 13-4 (a)

Smooth Cayenne pineapples not commercially packed and varieties of pineapples other than smooth Cayenne will be eligible for certification only after they have been treated in a manner approved by the Chief of the Bureau of Entomology and Plant Quarantine as provided in § 301.13-4 (b).

Prior to July 17, 1950, pineapples were included in the list of fruits and vegetables that were eligible for movement from Hawaii throughout the year upon compliance with the inspection and certification requirements Effective July 17, 1950, an amendment to § 301 13-2 (b) removed pineapples from this category for the reason that experimental observations had showed that under abnormal conditions the oriental fruit fly could complete its development in certain hybrid varieties of pineapples. Further experimental work has disclosed that smooth Cayenne pineapples as commercially packed and shipped, do not constitute an appreciable risk of spreading the oriental fruit fly More than 10 tons of such fruit of export grades collected in the Hawaiian Islands in the summer and fall of 1952 failed to yield a single fruit fly puparium Other exhaustive tests demonstrated that the possibility of this pest becoming established on the mainland as a result of commercial shipments of untreated smooth Cayenne pineapples is negligible

The purpose of this amendment is to allow the movement throughout the year of smooth Cayenne pineapples, when commercially packed from Hawaii after visual inspection and certification At present such pineapples must undergo a treatment before they may be certified The amendment therefore relieves a restriction, and must be made effective promptly to be of maximum benefit to persons subject to such restriction Accordingly, under section 4 of the Administrative Procedure Act (5 U S C 1003), it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable, unnecessary and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER

This amendment shall be effective June 27 1953

(Sec 8 37 Stat 318 as amended; 7 U S C 161)

Done at Washington, D C, this 20th day of June 1953

[SEAL] TRUE D MORSE,
Acting Secretary of Agriculture

[F R. Doc 53-5603; Filed June 24, 1953; 8:49 a m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 415—FLAX CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS

APPENDIX 1

Pursuant to authority contained in paragraph (a) of § 415.1 of the above-identified regulations (17 F R 8416), the following counties have been designated for insurance for the 1953 crop year

Iowa:
Osceola.
Minnesota:
Becker.
Big Stone.
Blue Earth.
Brown.
Chippewa.
Clay.
Cottonwood.
Jackson.
Kittson.
Lac qui Parle.
Lincoln.
Lyon.
Mahnomen.
Marshall.
Martin.
Meeker.
Murray.
Nobles.
Norman.
Pennington.
Pipestone.
Polk.
Pope.
Redwood.
Renville.
Rock.
Minnesota—Con.
Roseau.
Traverse.
Waterman.
Wilkin.
Yellow Medicine.
North Dakota:
Benson.
Bottineau.
Cass.
Eddy.
Grand Forks.
McLean.
Nelson.
Pembina.
Ramsey.
Richland.
Stutsman.
Traill.
Walsh.
Ward.
South Dakota:
Brookings.
Brown.
Clark.
Codington.
Grant.
Marshall.
Roberts.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. and Sup., 1507–1509)

[SEAL] C. S. LAIDLAW,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 53-5625; Filed, June 24, 1953; 8:54 a. m.]

PART 416—CORN CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS

APPENDIX 1

Pursuant to authority contained in paragraph (a) of § 416.1 of the above-identified regulations (17 F. R. 10531) the following counties have been designated for insurance for the 1953 crop year.

Illinois:
Adams.
Bureau.
Carroll.
Fulton.
Hancock.
Iroquois.
Livingston.
McDonough.
Montgomery.
Rock Island.
Sangamon.
Stark.
Tazewell.
Whiteside.
Will.
Woodford.
Indiana:
Carroll.
Clinton.
Decatur.
De Kalb.
Delaware.
Huntington.
Jackson.
Marshall.
Miami.
Starke.
Wayne.
White.
Iowa:
Boone.
Buena Vista.
Butler.
Cass.
Iowa—Continued
Cerro Gordo.
Chickasaw.
Clayton.
Crawford.
Dallas.
Fayette.
Floyd.
Fremont.
Hancock.
Jefferson.
Lee.
Linn.
Lucas.
Lyon.
Madison.
Mitchell.
Osceola.
West Pottawattamie.
Poweshiek.
Ringgold.
Sioux.
Story.
Washington.
Webster.
Kansas:
Atchison.
Jackson.
Marshall.
Maryland:
Kent.
Michigan:
Monroe.
Van Buren.
Minnesota:
Blue Earth.
Brown.
Martin.
Meeker.
Mower.
Nobles.
Pipestone.
Redwood.
Renville.
Rice.
Rock.
Wabasha.
Missouri:
Atchison.
Johnson.
Macon.
Marion.
Nodaway.
Pike.
Stoddard.
Nebraska:
Boone.
Cass.
Cedar.
Cuming.
Pierce.
Nebraska—Con.
Richardson.
Saunders.
Ohio:
Champaign.
Hancock.
Medina.
Preble.
Seneca.
Van Wert.
Wayne.
Pennsylvania:
Bucks.
Chester.
Westmoreland.
South Dakota:
Clay.
Lincoln.
Minnehaha.
Moody.
Wisconsin:
Columbia.
Dane.
Lafayette.
Pierce.
Sauk.
Trempealeau.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. and Sup., 1507–1509)

[SEAL] C. S. LAIDLAW,
Manager
Federal Crop Insurance Corporation.

[F. R. Doc. 53-5628; Filed, June 24, 1953; 8:54 a. m.]

PART 417—TOBACCO CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

APPENDIX 2

Pursuant to authority contained in paragraph (a) of § 417.1 of the above-identified regulations, as amended (14 F R. 5298, 6675; 15 F R. 2483; 16 F R. 4297, 4609; 17 F R. 2109, 5057, 8203) the following counties have been designated for insurance for the 1953 crop year. The type(s) of tobacco on which insurance is offered and the plan of insurance applicable in each county is shown opposite the name of the county.

State and county	Type(s) of tobacco	Plan of insurance
Connecticut: Hartford	51, 52	Investment.
Florida:		
Alachua	14	Do.
Hamilton	14	Do.
Lafayette	14	Do.
Madison	14	Do.
Suwannee	14	Do.
Georgia:		
Appling	14	Yield-quality.
Berrien	14	Investment.
Bulloch	14	Yield-quality.
Candler	14	Investment.
Coffee	14	Yield-quality.
Cook	14	Investment.
Evans	14	Do.
Lowndes	14	Do.
Tattnall	14	Do.
Kentucky:		
Barren	31	Yield-quality.
Bourbon	31	Do.
Breckenridge	31	Do.
Caldwell	22, 31, 35	Investment.
Calloway	23, 31, 35	Yield-quality.
Casey	31	Investment.
Daviess	31, 36	Yield-quality.
Fleming	31	Do.
Graves	23, 31, 35	Do.
Hart	31	Investment.
Henry	31	Do.
Jessamine	31	Do.
Larue	31	Yield-quality.
Lewis	31	Do.
Logan	22, 31, 35	Investment.
Mason	31	Yield-quality.
Montgomery	31	Investment.
Morgan	31	Do.
Nelson	31	Do.
Pulaski	31	Yield-quality.
Russell	31	Investment.
Simpson	31, 35	Yield-quality.
Wayne	31	Investment.
Massachusetts: Hampshire	51, 52	Do.
North Carolina:		
Alamance	11	Do.
Beaufort	12	Do.
Buncombe	31	Do.
Caswell	11	Do.
Columbus	13	Do.
Duplin	12	Do.
Forsyth	11	Do.
Franklin	11	Do.
Greene	12	Do.
Guilford	11	Do.
Jones	12	Do.
Lenoir	12	Do.
Moore	11	Do.
Nash	12	Do.
Person	11	Do.
Pitt	12	Do.
Rockingham	11	Do.
Stokes	11	Do.
Surry	11	Yield-quality.
Vance	11	Investment.
Wake	11	Do.
Wilson	12	Yield-quality.
Yadkin	11	Investment.
Ohio: Brown	31	Do.
Pennsylvania: Lancaster	41	Yield-quality.
South Carolina:		
Darlington	13	Investment.
Dillon	13	Do.
Florence	13	Do.
Horry	13	Yield-quality.
Marion	13	Do.
Williamsburg	13	Do.
Tennessee:		
Claiborne	31	Do.
DeKalb	31	Do.
Dickson	22, 31	Investment.
Greene	31	Yield-quality.
Hamblen	31	Do.
Hawkins	31	Do.
Johnson	31	Do.
Loudon	31	Investment.
McMinn	31	Do.
Maury	31	Yield-quality.
Montgomery	22, 31	Investment.
Putnam	31	Do.
Robertson	22, 31, 35	Do.
Sevier	31	Do.
Smith	31	Yield-quality.
Sumner	22, 31, 35	Investment.
Washington	31	Do.
Williamson	31	Yield-quality.
Wilson	31	Investment.
Virginia:		
Appomattox	11, 21	Do.
Brunswick	11, 21	Do.
Campbell	11, 21	Do.
Charlotte	11, 21	Do.
Dinwiddie	11, 21	Do.
Halifax	11	Do.
Lee	31	Do.
Lunenburg	11	Do.
Mecklenburg	11	Do.
Patrick	11	Do.
Pittsylvania	11	Do.
Washington	31	Do.
Wisconsin:		
Dane	54	Do.
Vernon	55	Do.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. and Sup., 1507–1509)

[SEAL] C. S. LAIDLAW,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 53-5629; Filed, June 24, 1953; 8:54 a. m.]

PART 418—WHEAT CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS

APPENDIX 1

Pursuant to authority contained in paragraph (a) of § 418.201 (formerly

§ 418.151) of the above-identified regulations, as amended (16 F. R. 9628, 11565; 17 F. R. 189, 10537; 18 F R. 439), the following counties have been designated for insurance for the 1953 crop year.

California:
Kern.
Los Angeles.
San Luis Obispo.
Sutter.
Tulare.
Yolo.
Colorado:
Adams.
Arapahoe.
Baca.
Boulder.
Cheyenne.
Elbert.
Kiowa.
Kit Carson.
Larimer.
Lincoln.
Logan.
Phillips.
Prowers.
Sedgwick.
Washington.
Yuma.
Idaho:
Benewah.
Camas.
Idaho.
Kootenai.
Latah.
Lewis.
Nez Perce.
Teton.
Illinois:
Adams.
Bond.
Christian.
Clinton.
Effingham
Fayette.
Greene.
Jefferson.
Jersey.
Macoupin.
Madison.
Marion.
Mason.
Monroe.
Montgomery.
Pike.
St. Clair.
Sangamon.
Schuyler.
Scott.
Shelby.
Vermilion.
Washington.
Indiana:
Allen.
Boone.
Clinton.
Dearborn.
Decatur.
De Kalb.
Howard.
Johnson.
Kosciusko.
Madison.
Montgomery.
Noble.
Parke.
Pulaski.
Randolph.
Ripley.
Rush.
Shelby.
Sullivan.
Wayne.
Whitley.
Kansas:
Atchison.
Barber.
Barton.
Cheyenne.

Kansas—Continued
Clark.
Clay.
Cloud.
Comanche.
Cowley.
Decatur.
Dickinson.
Edwards.
Ellis.
Ellsworth.
Finney.
Ford.
Gove.
Graham.
Grant.
Gray.
Greeley.
Hamilton.
Harper.
Harvey.
Haskell.
Hodgeman.
Kearny.
Kingman.
Kiowa.
Lane.
Lincoln.
Logan.
McPherson.
Marion.
Marshall.
Meade.
Mitchell.
Morris.
Nemaha.
Ness.
Norton.
Osborne.
Ottawa.
Pawnee.
Phillips.
Pratt.
Rawlins.
Reno.
Republic.
Rice.
Rooks.
Rush.
Russell.
Scott.
Seward.
Sheridan.
Sherman.
Smith.
Stafford.
Stanton.
Stevens.
Sumner.
Thomas.
Trego.
Wallace.
Washington.
Wichita.
Maryland:
Kent.
Talbot.
Michigan:
Calhoun.
Clinton.
Eaton.
Hillsdale.
Huron.
Ingham.
Ionia.
Kalamazoo.
Lenawee.
Monroe.
Saginaw.
St. Clair.
Sanilac.
Shiawassee.

Minnesota:
Becker.
Big Stone.
Clay.
Kittson.
Mahnomen.
Marshall.
Norman.
Otter Tail.
Polk.
Traverse.
Wilkin.
Missouri:
Bates.
Buchanan.
Carroll.
Cass.
Charlton.
Cooper.
Franklin.
Henry.
Holt.
Jasper.
Lafayette.
Lawrence.
Marion.
Perry.
Pettis.
Pike.
Ray.
St. Charles.
Saline.
Vernon.
Montana:
Blaine.
Cascade.
Chouteau.
Daniels.
Dawson.
Fergus.
Hill.
Judith Basin.
Liberty.
McCone.
Petroleum.
Phillips.
Pondera.
Richland.
Roosevelt.
Sheridan.
Teton.
Valley.
Nebraska:
Banner.
Box Butte.
Buffalo.
Butler.
Chase.
Cheyenne.
Dawes.
Deuel.
Fillmore.
Furnas.
Gage.
Garden.
Gosper.
Hamilton.
Hayes.
Hitchcock.
Jefferson.
Keith.
Kimball.
Lancaster.
Nuckolls.
Perkins.
Redwillow.
Richardson.
Saline.
Saunders.
Seward.
York.
New Mexico:
Curry.
Quay.
New York:
Onondaga.
Ontario.
Seneca.
North Dakota:
Benson.
Billings.
Bottineau.

North Dakota—Con.
Bowman.
Burke.
Burleigh.
Cass.
Cavalier.
Divide.
Dunn.
Eddy.
Emmons.
Foster.
Golden Valley.
Grand Forks.
Grant.
Griggs.
Hettinger.
Kidder.
Logan.
McHenry.
McIntosh.
McKenzie.
McLean.
Mercer.
Morton.
Mountrail.
Nelson.
Oliver.
Pembina.
Ramsey.
Renville.
Richland.
Rolette.
Sheridan.
Sioux.
Slope.
Stark.
Stutsman.
Towner.
Traill.
Walsh.
Ward.
Wells.
Williams.
Ohio:
Allen.
Auglaize.
Clinton.
Erie.
Fayette.
Franklin.
Greene.
Hardin.
Henry.
Highland.
Knox.
Marion.
Mercer.
Montgomery.
Morrow.
Pickaway.
Preble.
Putnam.
Sandusky.
Seneca.
Stark.
Tuscarawas.
Williams.
Oklahoma:
Alfalfa.
Beckham.
Blaine.
Comanche.
Cotton.
Custer.
Dewey.
Ellis.
Garfield.
Grady.
Grant.
Greer.
Harmon.
Harper.
Kay.
Kingfisher.
Kiowa.
Major.
Noble.
Texas.
Tillman.
Washita.
Woods.

Oregon:
Baker.
Gilliam.
Jefferson.
Morrow.
Sherman.
Umatilla.
Union.
Wallowa.
Wasco.
Pennsylvania:
Berks.
Bucks.
Chester.
Lancaster.
Lycoming.
South Dakota:
Beadle.
Bennett.
Brown.
Campbell.
Clark.
Codington.
Corson.
Dewey.
Edmunds.
Faulk.
Grant.
Hand.
Jones.
Lyman.
McPherson.
Marshall.
Meade.
Mellette.
Perkins.
Potter.
Roberts.
Spink.
Sully.
Tripp.
Walworth.

Texas:
Castro.
Childress.
Collin.
Cooke.
Deaf Smith.
Denton.
Floyd.
Foard.
Gray.
Grayson.
Hale.
Hansford.
Jones.
Knox.
Lipscomb.
Ochiltree.
Potter.
Stonewall.
Utah:
Box Elder.
Utah.
Washington:
Adams.
Asotin.
Benton.
Columbia.
Douglas.
Franklin.
Grant.
Klickitat.
Lincoln.
Spokane.
Walla Walla.
Whitman.
Wyoming:
Campbell.
Goshen.
Laramie.
Platte.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. and Sup., 1507–1509)

[SEAL] C. S. LAIDLAW,
Manager
Federal Crop Insurance Corporation.

[F. R. Doc. 53-5630; Filed, June 24, 1953; 8:55 a. m.]

PART 419—COTTON CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1952 AND SUCCEEDING CROP YEARS

APPENDIX 2

Pursuant to authority contained in paragraph (a) of § 419.1 of the above-identified regulations, as amended (16 F. R. 7975, 11565; 17 F. R. 2110, 5633, 8206, 8471, 18 F. R. 440) the following counties have been designated for insurance for the 1953 crop year.

Alabama:
Blount.
Cherokee.
Chilton.
Cullman.
DeKalb.
Etowah.
Franklin.
Houston.
Jackson.
Lauderdale.
Lawrence.
Limestone.
Madison.
Marshall.
Morgan.
Tuscaloosa.
Arizona:
Pinal.

Arkansas:
Chicot.
Craighead.
Crittenden.
Desha.
Faulkner.
Jefferson.
Lawrence.
Lincoln.
Monroe.
Phillips.
Pulaski.
Georgia:
Bartow.
Carroll.
Dooly.
Gordon.
Polk.
Whitfield.

Louisiana:
Avoyelles.
Bienville.
Caddo.
Franklin.
Morehouse.
Natchitoches.
Richland.
Washington.
Mississipi:
Alcorn.
Bolivar.
Coahoma.
Covington.
DeSoto.
Holmes.
Humphreys.
Jefferson Davis.
Lee.
Leflore.
Marion.
Panola.
Quitman.
Sharkey.
Sunflower.
Tallahatchie.
Tate.
Tunica.
Washington.
Yazoo.
New Mexico:
Chaves.
Eddy.
Dona Ana.
North Carolina:
Cleveland.
Gaston.
Lincoln.
Mecklenburg.
Polk.
Rutherford.
Oklahoma:
Beckham.
Oklahoma—Con.
Custer.
South Carolina:
Anderson.
Chesterfield.
Greenville.
Lee.
Newberry.
Orangeburg.
Pickens.
Spartanburg.
York.
Tennessee:
Carroll.
Hardeman.
Henderson.
Lake.
Lauderdale.
McNairy.
Texas:
Bell.
Collin.
Crosby.
Ellis.
Falls.
Fannin.
Floyd.
Grayson.
Hale.
Hill.
Hockley.
Hunt.
Lamar.
Lamb.
Lubbock.
Lynn.
McLennan.
Milam.
Navarro.
Rueces.
Williamson.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. and Sup., 1507–1509)

[SEAL] C. S. LAIDLAW,
Manager
Federal Crop Insurance Corporation.

[F. R. Doc. 53-5631; Filed, June 24, 1953; 8:55 a. m.]

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

APPENDIX 2

Pursuant to authority contained in paragraph (a) of § 420.20 of the above-identified regulations, as amended (14 F R. 5303, 6787, 7827; 15 F R. 2485, 2622, 3077, 4161, 9033, 9271, 16 F R. 579, 4300, 4829, 12111, 12765; 17 F. R. 2110, 2385, 3265, 3671, 5082, 5933, 8206, 10537, 11257, 11379; 18 F R. 151, 440) the following counties have been designated for insurance for the 1953 crop year.

Arkansas:
Arkansas.
Colorado:
Conejos.
Las Animas.
Morgan.
Otero.
Weld.
Delaware:
Kent.
Georgia:
Colquitt.
Jefferson.
Illinois:
Hamilton.
Jasper.
Illinois—Continued
Johnson.
Saline.
Wayne.
Indiana:
Hamilton.
Iowa:
Delaware.
Emmet.
Howard.
Humboldt.
Ida.
Kossuth.
Tama.
Union.
Warren.
Iowa—Continued
Winnebago.
Worth.
Kansas:
Allen.
Anderson.
Bourbon.
Cherokee.
Franklin.
Leavenworth.
Linn.
Montgomery.
Louisiana:
Lafayette.
St. Landry.
St. Martin.
Vermilion.
Michigan:
Allegan.
Gratiot.
Jackson.
Kent.
Lapeer.
Montcalm.
Minnesota:
Dakota.
Dodge.
Faribault.
Goodhue.
Kandiyohi.
McLeod.
Nicollet.
Sherburne.
Stearns.
Stevens.
Swift.
Missouri:
Audrain.
Knox.
Lewis.
Nebraska:
Antelope.
Pawnee.
Washington.
New Jersey:
Monmouth.
New York:
Monroe.
Steuben.
North Dakota:
Barnes.
Dickey.
Grand Forks.
La Moure.
Pierce.
Ransom.
North Dakota—Con.
Richland.
Sargent.
Steele.
Ohio:
Ashtabula.
Clermont.
Oklahoma:
Cleveland.
Oregon:
Deschutes.
Linn.
Malheur.
Marion.
Polk.
Pennsylvania:
Lebanon.
Somerset.
South Dakota:
Bon Homme.
Day.
Deuel.
Hamlin.
Hanson.
Hutchinson.
Kingsbury.
Lake.
McCook.
Miner.
Tennessee:
Coffee.
Dyer.
Franklin.
Henry.
Lincoln.
Obion.
Warren.
Weakley.
Texas:
Johnson.
Runnels.
Tarrant.
Taylor.
Utah:
Duchesne.
Emery.
West Virginia:
Berkeley.
Wisconsin:
Fond du Lac.
Waupaca.
Wyoming:
Fremont.
Platte.
Washakie.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. and Sup., 1507–1509)

[SEAL] C. S. LAIDLAW,
Manager
Federal Crop Insurance Corporation.

[F. R. Doc. 53-5632; Filed, June 24, 1953; 8:55 a. m.]

PART 421—DRY EDIBLE BEAN CROP INSURANCE

SUBPART—REGULATIONS FOR 1950 AND SUCCEEDING CROP YEARS

APPENDIX 2

Pursuant to authority contained in paragraph (a) of § 421.21 of the above-identified regulations, as amended (14 F. R. 7684; 15 F. R. 2485, 9034; 16 F R. 3973, 7695, 9302; 17 F. R. 5980, 10537), the following counties have been designated for insurance for the 1953 crop year. The class(es) of beans on which insurance is offered is shown opposite the name of the county.

State and county	*Class(es) of beans insured*
Arizona:	
Yavapai	Pinto.
Colorado:	
Dolores	Do.
Montezuma	Do.
Montrose	Do.
San Miguel	Do.
Idaho:	
Cassia	Great Northern, pinto.
Gooding	Great Northern, pinto, small, red.
Jerome	Do.
Minidoka	Do.
Twin Falls	Do.
Michigan:	
Arenac	Pea and medium white.
Bay	Do.
Huron	Do.
Saginaw	Do.
St. Clair	Do.
Sanilac	Do.
Shiawassee	Do.
Tuscola	Do.
Nebraska:	
Morrill	Great Northern, pinto.
Scotts Bluff	Do.
New Mexico:	
Santa Fe	Pinto.
Torrance	Do.
New York:	
Cayuga	Red kidney.
Genesee	Pea and medium white, red kidney, and white marrow.
Livingston	Do.
Onondaga	Red kidney.
Wayne	Do.
Yates	Pea and medium white, red kidney, and white marrow.
Wyoming:	
Big Horn	Great Northern, pinto.
Goshen	Do.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. and Sup., 1507–1509)

[SEAL] C. S. LAIDLAW,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 53-5633; Filed, June 24, 1953; 8:55 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

REDESIGNATION OF REGULATIONS

CROSS REFERENCE: For transfer of Parts 701–707, 716, and 718 to the Agricultural Conservation Program, see F R. Document 53-5599, Chapter XI, of this title, *infra.*

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter F—Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments

[Sugar Determination 845.1, Amdt. 1]

PART 845—MAINLAND CANE SUGAR AREA

1949 AND SUBSEQUENT CROPS

Pursuant to section 303 of the Sugar Act of 1948, as amended, the Determination of Normal Yields and Eligibility for

Abandonment and Crop Deficiency Payments for the Mainland Cane Sugar Area, 1949 and Subsequent Crops, issued September 30, 1949 (14 F R. 6058) is hereby amended by adding at the end of paragraph (a) (4) (ii) of § 845.1 thereof the following: "For the 1953 and each subsequent crop year it shall mean the next preceding five crop years."

STATEMENT OF BASES AND CONSIDERATIONS

The original determination defined the base periods for the crop years 1949 through 1952 and established the principle of using moving base periods as a means of assuring equitable treatment to all producers of sugarcane in the Mainland Cane Sugar Area.

The purpose of this amendment is to extend this principle to the crop years subsequent to the 1952 crop year. Except for this extension the determination issued September 30, 1949, remains unchanged.

Accordingly, I hereby find and conclude that the foregoing amendment to the Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments for the Mainland Cane Sugar Area will effectuate the purposes of section 303 of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 303, 61 Stat. 930; 7 U. S. C. Sup. 1133)

Issued this 22d day of June 1953.

[SEAL] E. T. BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-5626; Filed, June 24, 1953; 8:54 a. m.]

Chapter XI—Agricultural Conservation Program (Agricultural Adjustment), Department of Agriculture

REDESIGNATION OF REGULATIONS

Pursuant to the authority vested in me by virtue of Reorganization Plan No. 3, 1946 (5 U. S. C. Reorg. Plan No. 3), the Agricultural Conservation Program is removed from the Production and Marketing Administration and set up as a separate agency.

1. The regulations pertaining to the Agricultural Conservation Program are removed from Chapter VII of Title 7, Code of Federal Regulations, and redesignated Chapter XI which shall be entitled Agricultural Conservation Program.

The following parallel reference table gives in the left hand column the numbers and headings of the various parts of Chapter VII in the order in which they appeared, prior to the rearrangement hereby noticed, and in the right hand column the corresponding part numbers in the rearranged new chapter.

Old part No. and heading	*New part No. and heading*
701—National Agricultural Conservation Program.	1101—National Agricultural Conservation.
702—Agricultural Conservation Program; Puerto Rico.	1102—Agricultural Conservation; Puerto Rico.
703—Agricultural Conservation Program; Virgin Islands.	1103—Agricultural Conservation; Virgin Islands.
704—Agricultural Conservation Program; Alaska.	1104—Agricultural Conservation; Alaska.
705—Agricultural Conservation Program; Hawaii.	1105—Agricultural Conservation; Hawaii.
706—Naval Stores Conservation Program	1106—Naval Stores Conservation.
707—Farm Land Restoration Program	1107—Farm Land Restoration.
716—Payments of amounts due persons who have died, disappeared or have been declared incompetent.	1108—Payments of amounts due persons who have died, disappeared, or have been declared incompetent.
718—Set-offs	1109—Set-offs.

2. Whenever the term "Director of Agricultural Conservation Programs Branch, Production and Marketing Administration" or "Director of ACP Branch" appears in these regulations, it shall mean the "Chief of the Agricultural Conservation Program."

Done at Washington, D. C., as of the 21st day of January 1953.

[SEAL] E. T. BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-5599; Filed, June 24, 1953; 8:49 a. m.]

[Fair Price Regs., Revision 5]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

FIXING OF FAIR PRICES

The regulations governing the fixing of fair prices for conservation materials and services acquired by means of purchase orders, as issued by the Secretary of Agriculture (12 F. R. 2511, 13 F. R. 6209) are revised to read as follows:

§ 1101.0 *Fair prices for conservation materials and services acquired by means of purchase orders*—(a) *Delegation to the Chief, Agricultural Conservation Program.* The Chief, Agricultural Conservation Program, shall designate the conservation materials and services which may be furnished by means of purchase orders in connection with the Agricultural Conservation Program, the person or committee who shall establish the fair prices, and the method of making such determinations: *Provided, however,* That (1) if the State PMA committee is designated to establish the fair prices such committee may redelegate the authority to county PMA committees; (2) any such determination shall be made in accordance with the provisions of paragraphs (b), (c), (d), and (e) of this section; and (3) any such determination shall be subject to such review as may be required by the person or committee who has delegated the authority to establish fair prices.

(b) *Conservation materials.* A fair price shall be the price at which a vendor agrees to furnish the material at a given time under a given set of conditions, provided it is determined by the person or committee authorized to establish fair prices that the price is not excessive in relation to:

(1) The prices which farmers are currently paying for the same or similar material under the same or similar conditions, and

(2) The prices at which farmers could obtain the same material through other than local channels, and

(3) The actual or estimated cost to the vendor and a reasonable margin for profit.

(c) *Services.* A fair price shall be the price at which a vendor equipped to perform a service agrees to furnish it at a given time and under a given set of conditions, provided it is determined by the person or committee authorized to establish fair prices that the price is not excessive in relation to:

(1) The prices which farmers are currently paying for the same or similar service under the same or similar conditions, and

(2) The actual or estimated cost to the vendor and a reasonable margin for profit.

(d) *Defective materials and services.* A material or service shall be deemed not to have been furnished at the fair price if it is determined that the material or service does not meet quality specifications. In such case the material or service may be rejected and no payment made therefor by the Government. At the option of the person or committee designated to establish the fair price such materials or services may be accepted subject to a deduction equal to the difference between the fair price of the material or service of the quality specified and the value of the material or service furnished.

(e) *Inspection and analysis.* Materials and services shall be inspected and samples taken in accordance with instructions issued by the Chief, Agricultural Conservation Program: *Provided, however* That the inspection and analysis controls exercised by State Regulatory Authorities may be deemed a sufficient protection to the Government as to the quality standards of any material over which such authority is exercised: *Provided further* That this shall not prevent the taking of additional samples nor shall it satisfy the responsibility of the Government for the making of separate inspections of materials in any case where such further action is necessary to adequately protect the interests of the Government.

(55 Stat. 257, 16 U. S. C. 590h)

Done at Washington, D. C., this 5th day of June 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-5669; Filed, June 24, 1953; 8:55 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 309, Amdt. 7]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART A—GENERAL RESTRICTIONS

MOVEMENTS FROM PUBLIC STOCKYARDS TO STATES REQUIRING THREE WEEKS SEGREGATION; WHEN PERMITTED

On May 5, 1953, there was published in the FEDERAL REGISTER (18 F R. 2607) a notice of proposed rule making concerning an amendment of § 76.5 of the regulations governing the interstate movement of swine (9 CFR 76.5) After due consideration of all relevant material submitted in connection with the notice, the Secretary of Agriculture, pursuant to the authority vested in him by sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120) hereby amends said § 76.5 in the following respects:

1. Section 76.5 (d) (2) is amended to read:

(2) Simultaneous inoculation method. The swine may be given the simultaneous inoculation with anti-hog-cholera serum and hog cholera virus, or such serum and modified live virus vaccine, prepared under license from the Secretary of Agriculture. The doses of serum, virus, and modified live virus vaccine administered shall be in conformity with the amounts specified in paragraph (f) of this section.

2. Section 76.5 (f) is amended to read:

(f) The dosage of serum, virus, and modified live-virus vaccine used for the treatment of swine under the provisions of paragraph (d) of this section shall in no instance be less than that prescribed in subparagraphs (1) (2) and (3) of this paragraph.

(1) Dosage of anti-hog-cholera serum.

Weight of swine (pounds)	*Dose of serum (cubic centimeters)*
20–40	30
40–60	30–40
60–90	40–50
90–120	50–60
120–150	60–70
150–180	70–80
180 and over	80–100

(2) Dosage of virus.

Weight of swine (pounds)	*Dose of virus (cubic centimeters)*
20–40	1
40 and over	2

(3) Dosage of modified live-virus vaccine with anti-hog-cholera serum. The dosage of modified live-virus vaccine shall be that recommended on the product label by the licensed manufacturer, supplemented with anti-hog-cholera serum in the amounts given in subparagraph (1) of this paragraph.

The purpose of the foregoing amendment is to permit the use of modified live virus vaccine in conjunction with anti-hog-cholera serum as an alternative method of inoculating swine at public stockyards for the prevention of hog cholera, which swine are to be shipped interstate for purposes other than immediate slaughter.

The amendment is in the nature of a relief of restriction and should be made effective promptly to be of maximum benefit to shippers of swine from public stockyards. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 1, 2, 32 Stat. 791–792, as amended, 21 U. S. C. 111, 120)

Done at Washington, D. C., this 20th day of June 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-5600; Filed, June 24, 1953; 8:49 a. m.]

[B. A. I. Order 383, Revised]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

RESTRICTION OF INTERSTATE MOVEMENT OF SWINE AND CERTAIN SWINE PRODUCTS BECAUSE OF VESICULAR EXANTHEMA

On April 22 and June 6, 1953, there were published in the FEDERAL REGISTER (18 F R. 2342, 3259) notices of proposed rule making concerning an amendment of Subpart B of Part 76, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted pursuant to such notices and of the views expressed by the Advisory Committee on Vesicular Exanthema, the Secretary of Agriculture, pursuant to the authority vested in him by sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125) sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111, 120) and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117) hereby amends said Subpart B to read as follows:

SUBPART B—VESICULAR EXANTHEMA

Sec.

AUTHORITY: §§ 76.25 to 76.37 issued under secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 111, 123, 125. Interpret or apply sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117.

§ 76.25 *Definitions.* As used in this subpart the following terms shall have the meanings set forth in this section.

(a) *Administrator* The Administrator of the Agricultural Research Administration, United States Department of Agriculture, or any other official of such Administration to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(b) *Bureau.* The Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture.

(c) *Chief of Bureau.* The Chief of the Bureau or any other official of the Bureau to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) *Garbage.* Waste consisting in whole or in part of animal waste resulting from handling, preparing, cooking, and consuming of food including the offal from animal carcasses or parts thereof, but excluding such waste from ordinary household operations which is fed directly to swine on the same premise.

(e) *Raw garbage.* Garbage that has not been heated throughout to boiling or equivalent temperature (usually 212° F. at sea level) for 30 minutes, or heated according to a method specifically approved by the Chief of Bureau.

(f) *Cooked garbage.* Garbage that has been heated throughout to boiling or equivalent temperature (usually 212° F. at sea level) for 30 minutes, or heated according to a method specifically approved by the Chief of Bureau.

(g) *State.* State, Territory, or the District of Columbia.

(h) *Interstate.* From one State into or through any other State.

(i) *Quarantined area.* A State or area quarantined because of vesicular exanthema.

(j) *Non-quarantined area.* Any State or area not quarantined because of vesicular exanthema.

(k) *Person.* Any person, company or corporation.

(l) *Moved or movement.* As applied to swine, the term "moved" or "movement" means transported, shipped, delivered or received for transportation, driven on foot or caused to be driven on foot, by any person, and as applied to swine products, the term "moved" or "movement" means transported, shipped, or delivered or received for transportation, by any person.

(m) *Public stockyard.* A stockyard where trading in livestock is carried on; where yarding, feeding, and watering facilities are provided by the stockyard, transportation, or similar company and where Federal inspection is maintained for the inspection of livestock for communicable diseases.

(n) *Clean stockyard.* A public stockyard in a quarantined area which is found by the Chief of Bureau to be free from the infection of vesicular exanthema.

(o) *Swine product.* Any carcass, part or offal of swine.

(p) *Special processing.* Subjecting a swine product to heat treatment in accordance with the requirements contained in § 76.34.

(q) *Vesicular exanthema.* The contagious, infectious, and communicable disease of swine commonly known as vesicular exanthema.

§ 76.26 *Notice relating to existence of the contagion of vesicular exanthema and to regulations governing movement of swine and swine products.* Notice is hereby given that the Secretary of Agriculture has reason to believe that the contagion of vesicular exanthema exists within and throughout the United States, and that raw garbage is one of the primary media through which such contagion is disseminated. Since June 16, 1952, vesicular exanthema has been diagnosed in 42 States. In those instances in which it was possible to trace the infection to its source, it was traced, almost without exception, to swine fed on raw garbage, even in cases of infection by contact. Virus-infected meat scraps in raw garbage carry the disease into herd after herd at great loss to livestock owners, the packing industry, and the consuming public. The contagion of such disease is extremely virulent and experience with the disease shows that such contagion is disseminated very rapidly. Therefore, in order to more effectually suppress and extirpate vesicular exanthema, to prevent the spread thereof, and to protect the livestock industry of the United States, the regulations in this subpart governing the interstate movement of swine and swine products are promulgated.

§ 76.27 *Designation of States or areas in which swine are affected with vesicular exanthema; quarantine thereof; and notice with respect thereto.* The Administrator is hereby authorized to designate the States or areas therein in which swine are affected with vesicular exanthema. Upon said designation each such State or area shall be quarantined until the Administrator finds that swine in such State or area are no longer affected with the disease and that the quarantine is no longer required to prevent the dissemination thereof. The Administrator is hereby further authorized to give notice, including publication in such newspapers as he may select, of the fact that swine in any State or area therein are affected with vesicular exanthema; of the quarantine of such State or area; of the fact that swine in such State or area are no longer affected with the disease; of the release of such State or area from quarantine; and of the rules and regulations promulgated with respect to vesicular exanthema.

§ 76.28 *General restrictions.* Swine or swine products may not be moved interstate except as provided in the regulations in this subpart.

§ 76.29 *Movement of swine products which are specially processed or derived from swine slaughtered prior to July 25, 1952.* Swine products which are specially processed and swine products identified by warehouse receipts or other information satisfactory to the Chief of Bureau as having been derived from swine that were slaughtered prior to July 25, 1952, may be moved interstate without restriction under this subpart.

§ 76.30 *Movement of swine and swine products from a non-quarantined area—*(a) *Movement of swine not fed raw garbage.* (1) Swine which have not been fed any garbage and which are not and have not been affected with or exposed to vesicular exanthema may be moved interstate from a non-quarantined area without restriction under this subpart.

(2) Swine which have been fed cooked garbage to the exclusion of any raw garbage and which are not and have not been affected with or exposed to vesicular exanthema may be moved interstate under this subpart from a non-quarantined area if accompanied by a certificate signed by an inspector of the Bureau, an inspector employed by the State of origin of the swine, or other inspector who may be approved by the Chief of Bureau for this purpose, stating that as far as he has been able to determine such swine have not been fed any raw garbage and have not been exposed to vesicular exanthema and that a visual inspection of all swine on the premises of origin just prior to movement therefrom disclosed no indication of vesicular exanthema.

(b) *Movement of swine products derived from swine not fed raw garbage.* Swine products derived from swine which had not been fed any raw garbage and which had not been affected with or exposed to vesicular exanthema may be moved interstate from a non-quarantined area without restriction under this subpart.

(c) *Movement of swine fed raw garbage.* (1) Swine which have been fed any raw garbage may be moved interstate under this subpart from a non-quarantined area to an establishment specifically approved for the purpose by the Chief of Bureau for immediate slaughter and special processing at such establishment if accompanied by a permit obtained by the owner or shipper from an inspector of the Bureau, an inspector employed by the State of origin of the swine, or other inspector who may be approved by the Chief of Bureau for this purpose, and a certificate of a veterinarian stating that veterinary inspection of such swine on the premises of origin just prior to movement therefrom disclosed no evidence of vesicular exanthema.

(2) During the period of six months following the effective date of the regulations in this subpart, swine which have been fed raw garbage but which, for a period of 30 consecutive days just prior to the interstate movement, have been fed cooked garbage or other feeds to the exclusion of any raw garbage, which have been kept on a premise on which no raw garbage has been fed to swine during such 30-day period, and which have not come in contact with swine fed any raw garbage during such 30-day period, may be moved interstate under this subpart from a non-quarantined area if accompanied by a certificate signed by an inspector of the Bureau, an inspector employed by the State of origin of the swine, or other inspector who may be approved by the Chief of Bureau for this purpose, stating that as far as he has been able to determine such swine have been fed cooked garbage or other feeds to the exclusion of any raw garbage for a period of 30 consecutive days just prior to the interstate movement and that a visual inspection of all swine on the premises of origin just prior to movement therefrom disclosed no indication of vesicular exanthema. The provisions of subparagraph (1) of this paragraph shall not be applicable to such movements.

(d) *Movement of swine products derived from swine fed raw garbage.* (1) Swine products derived from swine which had been fed any raw garbage may be moved interstate under this subpart from a non-quarantined area if such products are moved to an establishment specifically approved for the purpose by the Chief of Bureau for special processing at such establishment and are accompanied by a permit obtained by the owner or shipper from an inspector of the Bureau, an inspector employed by the State of origin of the swine, or other inspector who may be approved by the Chief of Bureau for this purpose.

(2) During the period of six months following the effective date of the regulations in this subpart, swine products derived from swine which had been fed raw garbage but which, for a period of 30 consecutive days just prior to slaughter, had been fed cooked garbage or other feeds to the exclusion of any raw garbage, which had been kept on a premise on which no raw garbage had been fed to swine during such 30 day period and which had not come in contact with swine fed any raw garbage during such 30 day period, may be moved interstate under this subpart from a non-quarantined area. The provisions of subparagraph (1) of this paragraph shall not be applicable to such movements.

(e) *Other authorized movement.* The Chief of Bureau may authorize the movement of swine and swine products from a non-quarantined area, not otherwise authorized by this section, under such conditions as he may prescribe to prevent the spread of vesicular exanthema.

§ 76.31 *Movement of swine and swine products from a quarantined area.* (a) Movement of swine: (1) Swine may be moved interstate under this subpart from a quarantined area to an establishment specifically approved for the purpose by the Chief of Bureau for immediate slaughter and special processing at such establishment if accompanied by a certificate of a veterinarian of the

Bureau or a veterinarian specifically approved for this purpose by the Chief of Bureau, stating that veterinary inspection of such swine on the premises of origin just prior to movement therefrom disclosed no evidence of vesicular exanthema.

(2) Swine, permitted interstate movement under this subpart, which are moved from a non-quarantined area directly to a clean stockyard in a quarantined area, may be moved interstate under this subpart from such stockyard, under conditions prescribed by the Chief of Bureau, directly to an establishment specifically approved for the purpose by said Chief for immediate slaughter in a manner approved by said Chief as adequate to prevent the spread of vesicular exanthema, but said Chief may also require the processing of such swine in a manner approved by him if he finds such processing is necessary to prevent the spread of said disease. The provisions of subparagraph (1) of this paragraph shall not be applicable to such movements.

(b) Movement of swine products: (1) Swine products may be moved interstate under this subpart from a quarantined area if such products are moved to an establishment specifically approved for the purpose by the Chief of Bureau for special processing at such establishment and are accompanied by a permit obtained by the owner or shipper from an inspector of the Bureau.

(2) The following swine products may be moved interstate under this subpart from a quarantined area under such conditions as may be prescribed by the Chief of Bureau to prevent the spread of vesicular exanthema: (i) Swine products which have been processed in the course of normal establishment procedures in a manner approved by said Chief as adequate to prevent the spread of vesicular exanthema, (ii) swine products derived from swine, permitted interstate movement under this subpart, which were moved from a non-quarantined area directly to a clean stockyard in a quarantined area and which were slaughtered, immediately upon their removal from such stockyard, at an establishment specifically approved for the purpose by said Chief in a manner approved by said Chief as adequate to prevent the spread of vesicular exanthema, and, if required by said Chief, processed in a manner approved by him; (iii) swine products derived from swine, permitted interstate movement under this subpart, which were moved from a non-quarantined area directly to a slaughtering establishment in a quarantined area and there slaughtered immediately upon arrival, under conditions approved by said Chief. The provisions of subparagraph (1) of this paragraph shall not be applicable to such movements.

(c) The Chief of Bureau may authorize the movement of swine and swine products from a quarantined area, not otherwise authorized by this section, under such conditions as he may prescribe to prevent the spread of vesicular exanthema.

(d) Swine and swine products in transit between points in non-quarantined areas through any quarantined area shall not be deemed to be moved from the quarantined area under this section.

§ 76.32 *Movement of swine and swine products through a quarantined area.* Swine or swine products which are moved interstate in transit between points in non-quarantined areas through any quarantined area shall not be unloaded in any quarantined area unless all facilities to be used therein in connection with the unloading have been approved for such purpose by the Bureau and have been cleaned and disinfected before such use in a manner approved by the Bureau and under the supervision of a person authorized for the purpose by the Bureau.

§ 76.33 *Movement of swine and swine products which have been exposed to or affected with vesicular exanthema.* Swine which have been exposed to or have been affected with vesicular exanthema, and swine products derived from such swine, moved interstate to an establishment for slaughter and special processing, or for special processing, as the case may be, shall be moved under Bureau seals or accompanied by a representative of the Bureau or a person specifically authorized for the purpose by the Chief of Bureau.

§ 76.34 *Special processing of swine products.* All swine products required under the regulations in this subpart to be specially processed shall be heated throughout according to the following schedules:

(a) Boneless swine products shall be heated to an internal temperature of at least 156° F momentarily, or to an internal temperature of at least 145° F. for 15 minutes.

(b) Swine products containing bone shall be heated to an internal temperature of at least 156° F for 15 minutes.

§ 76.35 *Cleaning and disinfecting vehicles and facilities.* (a) Railroad cars, boats, trucks, and other vehicles, and their equipment, and all other facilities, including facilities for receiving, shipping, loading, unloading, and delivering swine and for feeding, watering and resting swine, which are used in connection with the interstate movement of swine shall be kept clean.

(b) Except as provided by the Chief of Bureau, each railroad car, boat, truck, or other vehicle, and its equipment, used in connection with the interstate movement of swine from a stockyard, sale barn, auction market, or other concentration point, for a distance of 200 miles or more from such point shall be thoroughly cleaned and disinfected as prescribed in paragraph (g) of this section immediately before each such use, if such vehicle was used in connection with any movement of livestock since it was last cleaned and disinfected as prescribed in said paragraph (g) and immediately after each such use.

(c) Facilities which are used for feeding, watering, and resting swine moved interstate shall be thoroughly cleaned and disinfected as prescribed in paragraph (g) of this section immediately after each such use.

(d) The Chief of Bureau may require that any vehicle or facility used in connection with the interstate movement of swine or swine products affected with or exposed to vesicular exanthema, or which the said Chief has reason to believe may have been so used, shall be thoroughly cleaned and disinfected as prescribed in paragraph (g) of this section.

(e) The carrier shall be responsible for having all railroad cars, boats, trucks, and other vehicles, and their equipment, cleaned and disinfected as required under this section, and the owner of other facilities shall be responsible for having such facilities cleaned and disinfected as required under this section.

(f) The cleaning and disinfecting required by this section shall be done without expense to the Bureau.

(g) The following prescribed method of cleaning and disinfecting railroad cars, boats, trucks, and other vehicles and their equipment shall be used: Remove all litter, feed, and manure from all portions of each car, boat, truck, or other vehicle including all ledges and framework outside, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; clean the interior and the exterior of each such vehicle and its equipment; saturate the entire interior surface including all doors, endgates, portable chutes, and similar equipment with one of the disinfectants prescribed in § 76.37. The following prescribed method of cleaning and disinfecting of other facilities shall be used: Empty all troughs, racks, and other feeding and watering appliances; remove all litter, feed, and manure from the floors, posts, or other parts, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; saturate the entire surface of the fencing, troughs, chutes, floors, walls, and all other parts with one of the disinfectants prescribed in § 76.37.

§ 76.36 *Cleaning and disinfecting public stockyards.* (a) Public stockyards, or the portions thereof, used in handling swine infected with or exposed to vesicular exanthema, or which the Chief of Bureau has reason to believe may have been so used, shall be cleaned and disinfected under Bureau supervision. Such public stockyards, or such portions thereof, shall not be used in handling swine until after the cleaning and disinfecting required by this section have been completed. Such cleaning and disinfecting shall be done without expense to the Bureau, except as provided under the provisions of Part 53 of this chapter.

(b) The following prescribed method of cleaning and disinfecting shall be used: Empty all troughs, racks, and other feeding and watering appliances; remove all litter, feed, and manure from the floors, posts, and other parts, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; and saturate the entire surface of the fencings, troughs, chutes, floors, walls, and all other parts with one of the disinfectants prescribed in § 76.37.

§ 76.37 *Disinfectants to be used.* The disinfections required under the regulations in this subpart shall be performed with one of the following:

(a) Soda ash (sodium carbonate) used at the rate of one pound to three gallons of water.

(b) Sal soda used at the rate of 13½ ounces to one gallon of water.

(c) Lye (sodium hydroxide) used at the rate of 13 ounces to five gallons of water. (Due to the extreme caustic nature of sodium hydroxide solution, precautionary measures such as the wearing of rubber gloves and boots to protect the hands and feet, and goggles to protect the eyes, should be taken by those engaged on the disinfection job. It is also advisable to have an acid solution, such as vinegar, in readiness in case any of the sodium hydroxide solution should come in contact with any part of the body.)

The foregoing amendment contains a revision of the present regulations restricting the interstate movement of swine and swine products from or through quarantined areas and new regulations restricting the interstate movement of swine and swine products from non-quarantined areas in order to more effectually suppress and extirpate vesicular exanthema, a communicable disease of swine, to prevent the spread thereof, and to protect the livestock industry of the United States.

This document makes certain changes in the proposed amendment published in the FEDERAL REGISTER on June 6, 1953. Such changes are unsubstantial and were made to clarify certain provisions of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to such changes are unnecessary.

Notice of rule making concerning the amendment was first published in the FEDERAL REGISTER on April 22, 1953. After consideration of the data, views, and arguments presented pursuant to such notice and of the views expressed by the Advisory Committee on Vesicular Exanthema, composed of representatives of various groups and organizations interested in and affected by the problems created by the disease, it was determined that the proposed amendment should be modified in certain respects. Accordingly, another notice of rule making was published in the FEDERAL REGISTER on June 6, 1953, incorporating the proposed modifications and giving interested persons an opportunity to submit data, views, and arguments with respect thereto. Such notice stated that is was proposed to make the final amendment of the regulations effective on July 1, 1953. Widespread publicity has also been given to the proposed regulations through press releases, information sent to officials of the various States, and through other media.

Thirty-four States have passed laws or promulgated regulations requiring that garbage fed to swine be properly cooked in order to prevent the spread of vesicular exanthema. Such laws or regulations of 30 States are now in effect or will become effective on or before July 1, 1953. The foregoing amendment should become effective as soon as practicable in order to be of maximum benefit in protecting the swine in such States.

Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

The amendment shall become effective on July 1, 1953: *Provided, however,* That prior to said date the Administrator of the Agricultural Research Administration shall designate the areas in which swine are affected with vesicular exanthema and which will be quarantined hereunder effective 12:01 a. m. on July 1, 1953, and the Administrator shall give notice of such designation and quarantine.

Done at Washington, D. C., this 20th day of June 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-5602; Filed, June 24, 1953; 8:49 a. m.]

Subchapter E—Viruses, Serums, Toxins, and Analogous Products; Organisms and Vectors

PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING RATES OF ASSESSMENT FOR 1953

On May 28, 1953, a notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 3069) regarding the budget of expenses and the fixing of the rates of assessment for the calendar year 1953 under the marketing agreement and the marketing order (9 CFR 131.1 et seq., 15 F. R. 8154) regulating the handling of anti-hog-cholera serum and hog-cholera virus. This regulatory program is effective pursuant to Public Law No. 320, 74th Congress, approved August 24, 1935 (7 U. S. C. 851 et seq.).

The notice provided a period of 10 days for interested parties to file data, views or arguments with the Hearing Clerk. After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, it is hereby found and determined that: (1) The expenses which will necessarily be incurred by the Control Agency, established pursuant to the provisions of the marketing agreement and of the marketing order, for the maintenance and functioning of said Agency during the calendar year 1953, will amount to $35,275.00 under the recommendation of the Control Agency, from which shall be deducted the unexpended balance of $4,929.97 on hand with said Control Agency on January 1, 1953, from assessments collected during the calendar year 1952, leaving a balance of $30,345.03 to be collected during the calendar year 1953, and (2) of the amount of $30,345.03 to be collected during the calendar year 1953, the sum of $24,276.03 shall be assessed against handlers who are manufacturers, and $6,069.00 shall be assessed against handlers who, as distributors, market their products principally through veterinarians or other channels. The pro rata share of the expenses of the Control Agency to be paid for the calendar year 1953 by each handler who is a manufacturer shall be $20.26 per million cubic centimeters (determined by the nearest whole number) of hyperimmune blood collected by such handler during the calendar year 1952 and the pro rata share of such expenses to be paid for the calendar year 1953 by each handler who, as a distributor, markets his products principally through veterinarians or other channels shall be $25.00 for the first million cubic centimeters or fraction thereof and $3.23 for each additional million cubic centimeters or fraction thereof of serum sold by such handler. Such assessments shall be paid by each respective handler in accordance with the applicable provisions of the marketing agreement and order.

Terms. As used herein, the terms "handler", "manufacturer", "distributor" and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order.

Findings relative to effective date. It is hereby further found that (1) the fiscal year of the Control Agency established pursuant to the provisions of the marketing agreement and the marketing order corresponds to the calendar year, and the current calendar year 1953 is already well advanced; (2) the expenses of operating this regulatory program since January 1, 1953, have been paid with funds representing assessments collected in excess of expenses incurred during the calendar year 1952; (3) all such funds have already been expended; (4) in order for the administrative assessments to be collected, it is essential that the specification of the assessment rates be effective immediately so as to enable the Control Agency to perform its respective duties and functions under the aforesaid marketing agreement and marketing order; and (5) no preparation with respect to this determination is required of persons regulated which cannot be completed prior to the effective date hereof. Wherefore, it is hereby determined that good cause exists for making this determination effective upon its publication in the FEDERAL REGISTER.

(Sec. 60, 49 Stat. 782; 7 U. S. C. 855)

Done at Washington, D. C., this 20th day of June 1953, to become effective upon publication in the FEDERAL REGISTER

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-5601; Filed, June 24, 1953; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter E—Economic Regulations

[Reg. ER-186]

PART 294—CLASSIFICATION AND EXEMPTION OF AIR CARRIERS WHILE CONDUCTING CERTAIN OPERATIONS FOR THE MILITARY ESTABLISHMENT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of June 1953.

At the present time air carriers conducting operations in air transportation for the United States Military Establishment are required to comply with those provisions of the act and the Board's Economic Regulations which relate to tariff filing and observance, as well as with other provisions of the act and Economic Regulations. These apply even though the service performed for the military is pursuant to a long-term agreement issued after advertisement for bids by the interested branch of the Defense Department. The purpose of this regulation is to provide exemption authority as hereinafter set forth to air carriers while performing operations of the type discussed below for the Military Establishment.

The transport activities performed by air carriers for the military vary in nature from individual charter flights, sometimes called CAM movements, to extended contract operations. While it is possible that some of the latter services would be deemed by the Board to be private carriage operations outside the definition of the term "air transportation" as set forth in the act, many such long-term services performed by air carriers have been and are considered air transportation, since the carriage performed comes within the area of holding out by the air carriers concerned.

Services by air carriers in air transportation are subject to the full economic regulatory controls of the act, regardless of whether the user is the United States government or not. Recent past experience of the Board in its administration of certain of the act's provisions in regard to long-term charter operations for the military has indicated the desirability of relieving air carriers performing these services from the tariff provisions and from certain other restrictive requirements of the act and the Board's regulations.

Arrangements for the performance of these long-term charter operations are generally made after advertisement for bids for the service by the interested branch of the Defense Department. The terms and conditions under which the charters are to be performed, together with the commitments of equipment and possible changes therein, make it extremely difficult to devise a charter rate which would be properly applicable to all such charters. It should be borne in mind that the nature of the contracting organization as well as the contract renegotiation procedure, appear to provide adequate protection from excessive charges by the air carriers, while the governmental nature of the activities involved will tend to avoid possible harmful discriminatory effects which might otherwise arise if this type of charter were generally exempt from tariff and rate requirements. It therefore appears to the Board that the limited exemption of such operations from the tariff and rate requirements of the act is in the public interest.

It should be noted that the exemption authority hereby granted is extremely limited. It will apply only to operations performed pursuant to a charter agreement covering a period of at least 90 days, but not in excess of one year. Moreover, such charter agreement must provide for a minimum average of 24 one-way schedules to or from the same point (a circle trip to be counted as 2 such schedules) per 30-day period, which schedules shall be in conformance with a pre-agreed schedule pattern. The exemption will also apply to any air carrier acting as a sub-contractor under such an exemption charter contract. Both charter agreements and authorized sub-contracts must be filed with the Board prior to the exemption's becoming effective. The exemption will extend to the requirements of sections 401, 403, 404 (except for obligation to provide safe service, equipment, and facilities) and 405 of the act, and Parts 202, 207, 221, 222, 231, and 233 of the Economic Regulations, and it will be in addition to any other economic operation authority held by the carrier concerned. It goes without saying that the exemption will apply only with respect to the operations covered by the contract, and that the air carriers will, in regard to their other operations, be subject to all other provisions prescribed by or pursuant to law to which the air carrier concerned would otherwise be subject.

Interested persons have been afforded an opportunity to participate in the making of this rule and due consideration has been given to all relevant matter presented. Since this regulation is one granting an exemption, it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board finds that, to the extent and subject to the limitations hereinafter provided, the enforcement of the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the rules and regulations issued thereunder is or would be an undue burden on those air carriers coming within the classification of "military operations carriers" hereinafter established, by reason of the limited extent of and the unusual circumstances affecting the operations of such class of air carriers and is not in the public interest.

Accordingly, the Civil Aeronautics Board hereby amends the Economic Regulations (14 CFR Chapter I) effective immediately, by adding thereto a new Part 294, to read as follows:

Sec.
294.1 Definitions.
294.2 Classification.
294.3 Exemption.
294.4 Scope of exemption.
294.5 Regulation.

AUTHORITY: §§ 294.1 to 294.5 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 416, 52 Stat. 1004; 49 U. S. C. 426.

§ 294.1 *Definitions.* (a) "Air carrier" shall have the meaning ascribed to it by the Civil Aeronautics Act.

(b) "Military operations charter agreement" shall mean a contract between an air carrier and any Department of the Military Establishment of the United States which has been filed with the Civil Aeronautics Board by the air carrier (1) whereby the air carrier undertakes to perform air transportation services for or on behalf of such Department on an average of at least 24 one-way schedules to or from the same point (counting circle strips as two such schedules) per 30-day period, (2) which provides for a definite schedule pattern, and (3) the duration of which is not less than 90 days and not more than one year. It also includes any authorized sub-contract thereunder.

(c) "Party" shall mean the air carrier entering into a military operations charter agreement and any other air carrier or air carriers performing services thereunder pursuant to an authorized subcontract with the prime contracting air carrier which has been filed with the Board by the sub-contractor.

§ 294.2 *Classification.* There is hereby established a class of air carriers, designated as Military Operations Carriers, composed of all air carriers who hold currently effective authorization from the Board to engage in air transportation and who are parties to currently effective and unexecuted military operation charter agreements as defined in § 294.1.

§ 294.3 *Exemption.* Subject to the provisions of this part, Military Operations Carriers are hereby exempted from the following requirements of the Civil Aeronautics Act of 1938, as amended, and of the Board's Economic Regulations:

Section 401 of the Civil Aeronautics Act.
Section 403 of the Civil Aeronautics Act.
Section 404 of the Civil Aeronautics Act (except for obligation to provide safe service, equipment and facilities).
Section 405 of the Civil Aeronautics Act.
Part 202 of the Economic Regulations.
Part 207 of the Economic Regulations.
Part 221 of the Economic Regulations.
Part 222 of the Economic Regulations.
Part 231 of the Economic Regulations.
Part 233 of the Economic Regulations.

§ 294.4 *Scope of exemption.* The exemption granted in this part shall extend only to operations conducted pursuant to military operations charter agreements which have been filed with the Board and shall in no way affect the obligation of Military Operations Carriers to abide by the act and the Board's Economic Regulations with respect to other air transportation performed; *Provided,* That the authority hereby granted shall be in addition to all other authority to engage in air transportation issued by the Board and shall not in any way be construed as limiting such other authority.

§ 294.5 *Regulation.* In performing service pursuant to the authority contained in this part, Military Operations Carriers shall conform as closely as practicable to the agreed schedule pattern in the governing military operations charter agreement.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 53-5612; Filed, June 24, 1953; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter A—Armed Services Procurement Regulation

PART 400—GENERAL PROVISIONS

SUBPART A—INTRODUCTION

GENERAL SERVICES ADMINISTRATION REGULATIONS RELATING TO PROCUREMENT OF SUPPLIES AND SERVICES

A new section has been added which provides that the applicable provision of regulations of the General Services Administration affecting purchasing and contracting will be incorporated in the Armed Services Procurement Regulation.

§ 400.112 *General Services Administration regulations relating to procurement of supplies and services.* In the interest of achieving uniformity in the field of Government procurement, certain General Services Administration regulations, developed cooperatively by the Department of Defense and the General Services Administration, are made applicable to the Departments with respect to the procurement of supplies and services as defined in § 400.102. In order to insure compliance with the pertinent provisions of such General Services Administration regulations, Department of Defense application will be as follows:

(a) *General.* All policy and procedural matter of such General Services Administration regulations which is within the scope of this subchapter, will be codified herein.

(b) *Interagency Purchase Assignment responsibility.* The applicable Department of Defense Directives covering the assignments of responsibility for the purchasing of specific supplies under Interagency Purchase Assignment will be incorporated by reference in this subchapter.

(c) *Mandatory use of Federal supply schedule contracts.* The applicable Department of Defense Directive covering the mandatory schedules, approved by the Munitions Board (referred to in § 404.102–1 of this subchapter) will be incorporated by reference in this subchapter. It is contemplated that by September 1, 1953, this subchapter will fully implement those General Services Administration regulations within its scope issued prior to that date and which have been made applicable to the Departments. General Services Administration regulations issued after September 1, 1953, which are to be made applicable to the Departments will be incorporated into this subchapter in the manner set forth in paragraphs (a) (b) or (c) of this section, prior to any required compliance therewith by the Departments.

(R. S. 161; 5 U. S. C. 22. Interprets or applies 62 Stat. 21; 41 U. S. C. Sup., 151–161)

J. C. HOUSTON, Jr.,
Acting Chairman.

[F. R. Doc. 53-5580; Filed, June 24, 1953; 8:45 a. m.]

PART 400—GENERAL PROVISIONS

SUBPART C—BASIC POLICIES

SPECIFICATIONS, PACKAGING, AND REQUIREMENTS

Sections 400.305 and 400.305–1 are revised and a new § 400.305.2 is added which provides for the inclusion of packaging requirements in contracts.

§ 400.305 *Specifications.* There shall be one system of military specifications to be used by all Departments in accordance with policies and procedures to be established by the Defense Supply Management Agency. Existing or new specifications, and amendments thereto, may be used until superseded or revised. Applicable Federal specifications, as prepared by the Director of the Federal Supply Service, General Services Administration, are acceptable for use. If for administrative reasons an applicable Federal specification cannot be used to meet the particular or essential needs of a Department, Military specifications or purchase specifications of that Department may then be used: *Provided,* That such specifications shall include in substance all applicable provisions of the related Federal specification.

§ 400.305–1 *Inadequate specifications.* Whenever a specification is found to be inadequate, immediate action shall be taken to effect the issuance of an amendment or a revision in accordance with established procedures to obviate the necessity for repeated departures from the specification.

§ 400.305–2 *Packaging, specifications, and requirements.* Appropriate provisions shall be included in contracts to insure that Contractors will package the supplies in accordance with applicable specifications and requirements.

(R. S. 161; 5 U. S. C. 22. Interprets or applies 62 Stat. 21; 41 U. S. C. Sup., 151–161)

J. C. HOUSTON, Jr.,
Acting Chairman.

[F. R. Doc. 53-5581; Filed, June 24, 1953; 8:45 a. m.]

PART 406—CONTRACT CLAUSES AND FORMS

SUBPART A—CLAUSES FOR FIXED-PRICE SUPPLY CONTRACTS

EXAMINATION OF RECORDS

This amendment changes the period during which subcontract records must be kept available for examination by the Comptroller General. Such records need now be retained until three years after final payment under the subcontract (instead of the prime contract).

§ 406.104–15 *Examination of records.* In accordance with requirements of section 4 of the act, as amended, the following clause will be inserted in all negotiated fixed-price supply contracts and purchase orders in excess of $1,000.

EXAMINATION OF RECORDS

(a) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under this contract, have access to and the right to examine any directly pertinent books, documents, papers and records of the Contractor involving transactions related to this contract.

(b) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under the subcontract, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (i) purchase orders not exceeding $1,000 and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(R. S. 161; 5 U. S. C. 22. Interprets or applies 62 Stat. 21; 41 U. S. C. Sup., 151–161)

J. C. HOUSTON, Jr.,
Acting Chairman.

[F. R. Doc. 53-5584; Filed, June 24, 1953; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—EDUCATION AND TRAINING

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 53–2847, appearing at page 1854 of the issue for Friday, April 3, 1953, the date "July 5, 1953," in the 14th line from the end of § 21.204, should read "July 25, 1953"

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 147 to Schedule A]

[Rent Regulation 2, Amdt. 145 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CALIFORNIA, CONNECTICUT, AND PENNSYLVANIA

Effective June 25, 1953, Rent Regulation 1 and Rent Regulation 2 are amended so that the items indicated below of Schedules A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 22d day of June 1953.

GLENWOOD J. SHERRARD,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
California				
(37)	------	[Revoked and decontrolled.]		
Connecticut				
(47)	B	In FAIRFIELD COUNTY, the towns of Bridgeport, Easton, Fairfield, Shelton, Stratford, and Trumbull.	April 1, 1941	June 1, 1942
	B	In FAIRFIELD COUNTY, the cities of Danbury, Norwalk, and Stamford, the towns of Bethel and Monroe.	-----do-----	July 1, 1942
	C	In FAIRFIELD COUNTY, the towns of Bridgeport, Easton, Fairfield, Monroe, Stratford, and Trumbull.	July 1, 1951	Jan. 24, 1952
	C	In FAIRFIELD COUNTY, the town of Shelton	-----do-----	Aug. 25, 1952
Pennsylvania				
(262) Harrisburg	B	CUMBERLAND COUNTY, except the townships of Hopewell, Lower Mifflin, North Newton, Shippensburg, Southampton, South Newton, and Upper Mifflin, and the boroughs of Camp Hill, Lemoyne, Newburg, Newville, and Shippensburg; DAUPHIN COUNTY, except the city of Harrisburg, and the township of Susquehanna; and in PERRY COUNTY, the townships of Penn, Rye, and Wheatfield, and the boroughs of Duncannon and Marysville.	Mar. 1, 1942	Nov. 1, 1942
	C	-----do-----	Aug. 1, 1952	Dec. 8, 1952
	B	In FRANKLIN COUNTY, the township of Hamilton and the borough of Waynesboro.	Mar. 1, 1942	Dec. 1, 1942

These amendments decontrol the following based entirely on resolutions submitted under section 204 (j) (3) of the act:

The Town of Greenwich in Fairfield County, Connecticut, a portion of the Bridgeport Defense-Rental Area; and

The Borough of Camp Hill in Cumberland County, Pennsylvania, a portion of the Harrisburg Defense-Rental Area.

These amendments also decontrol:

(1) The City of San Diego in San Diego County, California, a portion of the San Diego Defense-Rental Area, based on a resolution submitted under section 204 (j) (3) of the act, and

(2) All unincorporated localities in the defense-rental area under section 204 (j) (3) of the act, the City of San Diego being the major portion of the defense-rental area, and

(3) All remaining incorporated localities in the defense-rental area, if any, on the initiative of the Director of Rent Stabilization under section 204 (c) of the act.

[F. R. Doc. 53-5607; Filed, June 24, 1953; 8:50 a. m.]

[Rent Regulation 3, Amdt. 139 to Schedule A]

[Rent Regulation 4, Amdt. 82 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CALIFORNIA AND PENNSYLVANIA

Effective June 25, 1953, Rent Regulation 3 and Rent Regulation 4 are amended so that the items indicated below of Schedules A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 22d day of June 1953.

GLENWOOD J. SHERRARD,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(37)	----------	[Revoked and decontrolled].		
(262) Harrisburg	Pennsylvania	CUMBERLAND COUNTY, except the townships of Hopewell, Lower Mifflin, North Newton, Shippensburg, Southampton, South Newton, and Upper Mifflin, and the boroughs of Camp Hill, Lemoyne, Newburg, Newville, and Shippensburg; DAUPHIN COUNTY, except the city of Harrisburg and the township of Susquehanna; and in PERRY COUNTY, the townships of Penn, Rye, and Wheatfield, and the boroughs of Duncannon and Marysville.	Aug. 1, 1952	Dec. 8, 1952

These amendments decontrol the following based entirely on a resolution submitted under section 204 (j) (3) of the act:

The Borough of Camp Hill in Cumberland County, Pennsylvania, a portion of the Harrisburg Defense-Rental Area.

These amendments also decontrol:

(1) The City of San Diego in San Diego County, California, a portion of the San Diego Defense-Rental Area, based on a resolution submitted under section 204 (j) (3) of the act, and

(2) All unincorporated localities in the defense-rental area under section 204 (j) (3) of the act, the City of San Diego being the major portion of the defense-rental area, and

(3) All remaining incorporated localities in the defense-rental area, if any, on the initiative of the Director of Rent Stabilization under section 204 (c) of the act.

[F. R. Doc. 53-5608; Filed, June 24, 1953; 8:50 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10498]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations; Docket No. 10498.

1. The Commission has under consideration its notice of proposed rule making issued on May 11, 1953 (FCC 53-533), and published in the FEDERAL REGISTER on May 16, 1953 (18 F R. 2863), proposing to assign Channel 70 to Bowling Green, Ohio, and to reserve it for noncommercial educational use.

2. The time for filing comments in this proceeding expired May 29, 1953. No comments were filed opposing the assignment of Channel 70 to Bowling Green, Ohio.

3. Authority for the adoption of the amendment is contained in Sections 4 (i) 301, 303 (c) (d) (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

4. In view of the foregoing, *It is ordered*, That effective 30 days from publication in the FEDERAL REGISTER, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended as follows:

Add to Table of Assignments under the State of Ohio:

	Channel No.
Bowling Green	*70

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1084; 47 U. S. C. 301, 303, 307)

Adopted: June 17, 1953.

Released: June 18, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-5622; Filed, June 24, 1953; 8:53 a. m.]

[Docket No. 10499]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations; Docket No. 10499.

1. The Commission has under consideration its notice of proposed rule making issued on May 11, 1953 (FCC

53-534) and published in the FEDERAL REGISTER on May 16, 1953 (18 F. R. 2864), proposing to assign Channel 55 to Porterville, California.

2. The time for filing comments in this proceeding expired May 29, 1953. One comment opposing the proposed assignment has been filed by Mr. Sheldon Anderson, Tulare, California.

3. In his opposition Mr. Anderson submits that Visalia, California, a community of 12,000 persons, has two UHF channels assigned to it; that no applications for stations in that community have been filed; and that Visalia cannot support two television stations. It is urged that one of the channels assigned to Visalia should be moved to Porterville in lieu of Channel 55, and that such a shift would retain the same total of assignments in Tulare County. In our view, Mr. Anderson has not established a basis for shifting a channel from Visalia to Porterville at this time in light of the availability of Channel 55 for Porterville.

4. Authority for the adoption of the amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. In view of the foregoing, *It is ordered*, That effective 30 days from publication in the FEDERAL REGISTER, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended as follows:

Add to Table of Assignments under the State of California:

	Channel No.
Porterville	55

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1084; 47 U. S. C. 301, 303, 307)

Adopted: June 17, 1953.

Released: June 18, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-5623; Filed, June 24, 1953; 8:53 a. m.]

PART 20—DISASTER COMMUNICATIONS SERVICE

APPLICATIONS

The Commission having under consideration the desirability of making certain editorial changes in Part 20, § 20.13 of its rules and regulations;

It appearing, that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendment may become effective immediately;

It further appearing, that the amendment adopted herein is issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission's order defining the functions and establishing the organizational structure of the Office of the Secretary, dated February 14, 1952, as amended;

It is ordered, This 18th day of June 1953, that effective immediately, Part 20 of the Commission's rules and regulations is revised as set forth below:

Section 20.13 *Applications* is amended to read as follows:

§ 20.13 *Applications.* (a) Application for construction permit and new license for a station to be operated in the Disaster Communications Service shall be submitted on FCC Form No. 525, signed by the applicant and countersigned by the competent local authority in charge of the disaster communications network in which the station is, primarily, intended to be operated. To facilitate a determination of eligibility, such application shall be accompanied by a statement describing in detail the purpose of the proposed station which shall include a copy of the locally coordinated disaster communications plan under which the station is intended to be operated unless such information has already been submitted to the Commission, in which case the application shall clearly identify that plan and the competent local authority under whose direction the station is proposed to be operated. In cases where a description of the station's antenna is required to be submitted on FCC Form No. 401-A, in accordance with the provisions of § 20.14, such form shall be submitted concurrently with the application for construction permit and license.

(b) A single application for construction permit and station license may be filed to cover all transmitter units normally located or based at one specified fixed location. Separate applications must, however, be filed to cover each separate disaster station, as defined in § 20.3.

(c) Unless otherwise directed by the Commission, application for modification of station license in the Disaster Communications Service shall be submitted on FCC Form No. 525 in the same manner as application for construction permit and new license, whenever the license or the basic location of a licensed station is proposed to be changed.

(d) Application for renewal of station license shall be submitted on FCC Form No. 405-A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1084; 47 U. S. C. 301, 303, 307).

Released: June 18, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-5624; Filed, June 24, 1953; 8:54 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 33—CENTRAL REGION

REVOCATION OF CERTAIN REGULATIONS

Basis and purpose. Public hunting and fishing on certain national wildlife refuges in the Central Region having been authorized by administrative action pursuant to §§ 18.11 and 18.12, Title 50, Code of Federal Regulations, the following existing regulations no longer are required and are hereby revoked immediately upon publication in the FEDERAL REGISTER:

SUBPART—DES LACS NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

FISHING AND DEER HUNTING

Section 33.71 *Fishing permitted* (16 F. R. 7264).
Section 33.72 *Waters open to fishing* (16 F. R. 7264).
Section 33.73 *State fishing laws* (8 F. R. 15529).
Section 33.74 *Fishing licenses and permits* (8 F. R. 15529).
Section 33.75 *Routes of travel* (17 F. R. 9384).
Section 33.76 *Use of boats* (16 F. R. 7264).
Section 33.77 *Temporary restrictions* (8 F. R. 15529).
Section 33.78 *Shoreline fishing* (16 F. R. 7264).
Section 33.79 *Bait restrictions* (16 F. R. 7264).
Section 33.80 *Deer hunting permitted* (17 F. R. 9384).

SUBPART—LONG LAKE NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

FISHING AND DEER HUNTING

Section 33.95 *Deer hunting permitted* (17 F. R. 9385).
Section 33.96 *Fishing permitted* (17 F. R. 7497).
Section 33.97 *Entry* (17 F. R. 9385).
Section 33.98 *Use of boats* (17 F. R. 7497).
Section 33.99 *Temporary restrictions* (14 F. R. 4790).

SUBPART—LOWER SOURIS NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

FISHING AND DEER HUNTING

Section 33.101 *Fishing permitted* (16 F. R. 7938)
Section 33.102 *Waters open to fishing* (16 F. R. 7938)
Section 33.103 *Routes of travel* (17 F. R. 9385).
Section 33.104 *State fishing laws* (4 F. R. 2502)
Section 33.105 *Fishing permits* (4 F. R. 2502).
Section 33.106 *Use of boats* (16 F. R. 7938).
Section 33.107 *Hook and line fishing* (4 F. R. 2502)
Section 33.108 *Bait restrictions* (16 F. R. 7938).
Section 33.109 *Deer hunting permitted* (17 F. R. 9385).

SUBPART—LAKE ILO NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

FISHING

Section 33.121 *Fishing permitted* (17 F. R. 8583).
Section 33.122 *Waters open to fishing* (17 F. R. 8583).

Section 33.123 *State fishing laws* (17 F. R. 8583).
Section 33.124 *Fishing licenses and permits* (17 F. R. 8583).
Section 33.125 *Routes of travel* (17 F. R. 8583).
Section 33.126 *Use of boats* (17 F. R. 8583).
Section 33.127 *Shoreline fishing* (17 F. R. 8583).
Section 33.128 *Temporary restrictions* (17 F. R. 8583).

SUBPART—NECEDAH NATIONAL WILDLIFE REFUGE, WISCONSIN

FISHING

Section 33.131 *Fishing permitted* (12 F. R. 5616).
Section 33.132 *Entry* (12 F R. 5616).
Section 33.133 *State fishing laws* (12 F. R. 5616).
Section 33.134 *Use of boats* (12 F. R. 5616).
Section 33.135 *Temporary restrictions* (12 F. R. 5616).
Section 33.136 *State cooperation* (12 F. R. 5616).

SUBPART—SWAN LAKE NATIONAL WILDLIFE REFUGE, MISSOURI

FISHING

Section 33.221 *Fishing permitted* (16 F. R. 2683).
Section 33.222 *Waters open to fishing* (13 F. R. 3870).
Section 33.223 *State fishing laws* (13 F. R. 3870).
Section 33.224 *Use of boats* (13 F. R. 3870).
Section 33.225 *Temporary restrictions* (13 F. R. 3870).

SUBPART—UPPER SOURIS NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

FISHING AND DEER HUNTING

Section 33.321 *Fishing permitted* (15 F. R. 4271).
Section 33.322 *Entry* (17 F. R. 9985).
Section 33.323 *State fishing laws* (15 F. R. 4271).
Section 33.324 *Use of boats* (15 F. R. 4271).
Section 33.325 *Temporary restrictions* (15 F. R. 4271).
Section 33.331 *Deer hunting permitted* (appears as § 33.330 at 17 F. R. 9985).

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Dated: June 18, 1953.

O. H. JOHNSON,
Acting Director

[F. R. Doc. 53-5611; Filed, June 24, 1953; 8:51 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3]

[Docket No. 10491]

CLASS B FM BROADCAST STATIONS

ORDER AMENDING REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations; Docket No. 10491.

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 17th day of June 1953;

The Commission having under consideration a proposal to amend its Revised Tentative Allocation Plan for Class B FM Broadcast Stations; and

It appearing, that notice of proposed rule making (FCC 53-511) setting forth the above amendment was issued by the Commission on May 8, 1953, and was duly published in the FEDERAL REGISTER (18 F R. 2862) which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before June 8, 1953; and

It further appearing, that no comments were received either favoring or opposing the adoption of the proposed reallocation;

It further appearing, that the adoption of the proposed reallocation would enable operation on the proposed Crossville channel by a new FM broadcast station under construction in Crossville, Tennessee;

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows:

General area	Channels	
	Delete	Add
Knoxville, Tenn.	247	
Crossville, Tenn.		246

Released: June 18, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-5613; Filed, June 24, 1953; 8:51 a. m.]

[47 CFR Part 6]

[Docket No. 10546]

PUBLIC RADIOCOMMUNICATION SERVICES (OTHER THAN MARITIME MOBILE)

ALLOCATION OF FREQUENCIES

In the matter of amendment of § 6.401 (a) and (b) of the rules and regulations with respect to the allocation of frequencies between 454-455 Mc. and between 459-460 Mc., Docket No. 10546.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission, in its Report and Order of May 14, 1953, in Docket No. 10323, rearranged the frequency allocations in the 450-460 Mc. band, effective July 1, 1953, providing therein for certain domestic common carrier radio operations between 454-455 Mc. and between 459-460 Mc., respectively. The purpose of this proposed rule making is to effect the rule changes necessary to facilitate the assignment of those frequencies in the Domestic Public Land Mobile Radio Service and to accomplish an equitable division of such frequencies between eligible telephone company and miscellaneous common carrier applicants.

3. It is proposed to amend § 6.401 (a) of the rules by addition of the following pairs of frequencies therein:

Base Station Frequencies (Mc.)	*Mobile Station, Auxiliary Test Station, or Subscriber Fixed Station Frequencies (Mc.)*
454.45	459.45
454.55	459.55
454.65	459.65
454.75	459.75
454.85	459.85
454.95	459.95

4. It is further proposed to amend § 6.401 (b) of the rules by addition of the following pairs of frequencies therein:

Base Station Frequencies (Mc.)	*Mobile Station, Auxiliary Test Station, or Subscriber Fixed Station Frequencies (Mc.)*
454.05	459.05
454.15	459.15
454.25	459.25
454.35	459.35

5. This proposal is issued pursuant to the authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission, on or before July 20, 1953, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments shall be filed within 10 days from the last day for filing said original comments or briefs.

7. Comments proposing to reallocate the above mentioned frequencies to stations other than in the Domestic Public Land Mobile Radio Service will not be considered. Comments concerning the shared use of the subject frequencies by certain fixed stations, as provided in footnote NG22 to the table of frequency allocations in § 2.104 (a) of Part 2 of the rules, will not be considered.

8. Except as noted above, the Commission will consider all comments before taking action in this matter, and, if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

9. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copi

all statements, briefs, or comments shall be furnished to the Commission.

Adopted: June 17, 1953.

Released: June 18, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-5614; Filed, June 24, 1953; 8:51 a. m.]

[47 CFR Part 19]

[Docket No. 10545]

CITIZENS RADIO SERVICE

EMISSION LIMITATIONS

In the matter of Amendment of Part 19 of the Commission's rules and regulations governing the Citizens Radio Service; Docket No. 10545.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Section 19.34 (b) (1) now provides that any spurious and harmonic emission appearing on any frequency outside the band 460–470 Mc shall be attenuated at least 50 db below the unmodulated carrier for all Class A and Class B stations in the Citizens Radio Service.

3. To facilitate the development and production of inexpensive low-power transmitting equipment for use in the Citizens Radio Service it is proposed to amend § 19.34 (b) of Part 19 to provide a 40 db attenuation requirement for harmonic and other spurious emissions outside the 460–470 Mc band for Class A and Class B station equipment operated with 3 watts or less plate input power to the final radio stage. It is also proposed to provide a less restrictive requirement of 30 db attenuation for harmonic and other spurious emissions from Class B station equipment, when operated at 3 watts or less plate input power, in those cases where such radiation appears on frequencies allocated to Industrial, Scientific and Medical equipment under the provisions of Part 2 of the Commission's rules.

4. The proposed amendment, authority for which is contained in sections 303 (e) (f) (g) and (r) of the Communications Act of 1934, as amended, would read as follows:

§ 19.34 *Emission limitations.* • • •

(b) Harmonic and other spurious emissions from a transmitter in this service shall not exceed the following limits:

(1) *Class A and Class B stations.* Any harmonic or other spurious emission appearing on any frequency outside the 460–470 Mc band shall be attenuated below the unmodulated carrier by not less than the amount indicated below:

Maximum plate power input to the final radio frequency stage:	*Attenuation (db)*
Over 3 watts	50.
3 watts or less	40, except as provided below.

In the case of Class B stations having a maximum plate power input to the final radio frequency stage of 3 watts or less, any emission appearing on any frequency that falls within a band allocated to Industrial, Scientific and Medical equipment under the provisions of Part 2 of the Commission's rules shall be attenuated below the unmodulated carrier by not less than 30 db.

(2) *Class C stations.* Any harmonic or other spurious emission appearing on any frequency removed 25 kc or more from the frequency 27.255 Mc shall be attentuated below the unmodulated carrier by not less than 40 db.

5. Any interested person who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth, may file with the Commission, on or before July 15, 1953, a written statement or brief seting forth his comments. At the same time, persons favoring the amendment as proposed may file statements in support thereof. Comments or briefs in reply to the original statements may be filed on or before July 27, 1953. The Commission will consider all such comments that are received before taking final action in the matter.

6. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 17, 1953.

Released: June 18, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-5615; Filed, June 24, 1953; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 74

JUNE 17, 1953.

1. Pursuant to the authority delegated to me under section 2.21 of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625) I hereby classify as hereinafter indicated under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. Sec. 682a) as amended, the following described public lands in the Anchorage, Alaska, Land District:

ANCHORAGE AREA

PALMER HIGHWAY UNIT NO. 3

For Lease and Sale

For Cabin Sites

SEWARD MERIDIAN

T. 14 N., R. 2 W.,
Section 11. N½NW¼SW¼NE¼, NE¼SW¼NE¼, S½SW¼NE¼, N½NW¼SE¼, NW¼NW¼NE¼SE¼, SE¼NE¼NE¼SE¼, E½SW¼NW¼SE¼, SE¼NW¼SE¼, NE¼SE¼NE¼SE¼, S½SE¼NE¼SE¼, W½NE¼SW¼SE¼, N½NE¼SE¼SE¼, NW¼SE¼SW¼SE¼, E½SW¼SE¼SE¼, SE¼SE¼SE¼ (that portion west of the old Palmer Highway).

The above described area comprises 37 tracts aggregating approximately 102.5 acres.

PALMER HIGHWAY UNIT NO. 3

For Lease and Sale

For Home or Business Sites

SEWARD MERIDIAN

T. 14 N., R. 2 W.,
Section 11: NE¼NW¼NE¼SE¼, NW¼NE¼NE¼SE¼, S½NW¼NE¼SE¼, SW¼NE¼NE¼SE¼, SW¼NE¼SE¼, NW¼SE¼NE¼SE¼, E½NE¼SW¼SE¼, NW¼SE¼SE¼NE¼SE¼SW¼SE¼, S½SE¼SW¼SE¼, W½SW¼SE¼SE¼.

The right of way of the Glenn Highway is excluded from the above lands.

The above described area comprises 16 tracts aggregating approximately 39.5 acres.

2. The whole of this area lies within a restoration from a military reserve by Public Land Order 891 of April 15, 1953, and a portion was restored from a Power Site Reserve by Alaska Restoration Order No. 2, dated April 16, 1953. The lands are located approximately thirteen miles northeast of the city of Anchorage along the Glenn Highway. For the most part, the terrain is sharply dissected and soils are shallow and poorly developed. The area was burned over about 25 years ago, and the present vegetative cover consists mostly of a thick growth of small birch and alder. The climate is typical of south-central Alaska with low humidity and precipitation, cold winters, and cool summers. An adequate domestic water supply is obtainable from hand-dug wells or from the few small streams which traverse the area. A five-acre tract adjacent to these lands has been set aside as a combined gravel pit and sanitary fill and arrangements have been made for periodic grading and covering of the refuse dumped there. Sewage disposal can be accomplished through cesspools and septic tanks. Commercial, school, and church facilities are available in Anchorage, the nearby military installations, or the settlement of Chugiak.

3. This classification order shall not otherwise become effective to change the status of any lands described herein or to permit the leasing of any such lands

under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on July 22, 1953. At that time the lands described below shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection, as follows:

(a) *Ninety-one day period for preference right filings.* For a period of 91 days from 10:00 a. m. on July 22, 1953, to close of business on October 20, 1953, inclusive, preference will be given, as set forth above, to:

(1) Applications under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the Act of September 27, 1944, (58 Stat. 747; 43 U. S. C. 279–284) as amended, subject to the requirements of applicable law, and

(2) Applications under any applicable public land law; based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by veterans and other qualified persons under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph.

(b) *Advance period for simultaneous preference right filings.* All applications filed by such veterans and other qualified persons, or by persons claiming preference rights superior to those of such veterans filed under the preceding paragraph (a) on July 1, 1953, or thereafter, up to and including 10:00 a. m. on July 22, 1953, shall be treated as simultaneously filed. All applications filed under the preceding paragraph (a) after 10:00 a. m. on July 22, 1953, shall be considered in the order of filing.

(c) *Date for non-preference right filings.* Commencing at 10:00 a. m. on October 21, 1953, any lands remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under the Small Tract Act by the general public filed on September 30, 1953, or thereafter, up to and including 10:00 a. m. on October 21, 1953, shall be treated as simultaneously filed. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy, (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or which constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be made on form 4–776 and shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

6. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, under the circumstances, are substantial, and are appropriate for the use for which the lease is issued. Leases will be issued for a period of two years, at an annual rental of $5 for homesites or cabin sites, payable in advance for the entire lease period. Applications for extension for an additional period of one year shall be considered in appropriate cases. The rental for business sites will be in accordance with a schedule of graduated charges based on gross income, with a minimum charge of $20 payable yearly in advance, the remainder, if any, to be paid within 30 days after each yearly anniversary of the lease. Every lease for land classified for lease and sale will contain an option to purchase clause and every such lessee may file an application to purchase at the sale price as provided in the lease.

7. All of the land will be leased in tracts varying in size from approximately 1.04 acres to approximately 5.0 acres, in accordance with the classification maps on file in the Land Office, Anchorage, Alaska. These tracts are appraised at prices ranging from $150 to $1075.

8. Lessees must locate any wells or sewage disposal facilities in accordance with the laws and regulations of the Territory of Alaska.

9. The leases will be made subject to rights-of-way for road purposes and public utilities, of 50 feet in width, on each side of the tracts contiguous to the section and/or quarter section lines, and to such other rights-of-way as may be specified in the classification and appraisal report on file in the Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, State, Territory, County, or Municipality, or by any agency thereof. In the discretion of the authorized officer of the Bureau of Land Management, these rights-of-way may be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 53–5588; Filed, June 24, 1953; 8:46 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 76

JUNE 17, 1953.

1. Pursuant to the authority delegated to me under section 2.21 of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F R. 8625), I hereby classify as hereinafter indicated under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. sec. 682a) as amended, the following described public lands in the Anchorage, Alaska, Land District:

NORTH TURNAGAIN ARM AREA

FOR LEASE AND SALE

1. *For Cabin Sites*

a. Indian Creek Unit:
U. S. Survey 3200:
Lots 1–17 inclusive;
Lots 22–25 inclusive; and
Lot 27.
b. Bird Creek Unit:
U. S. Survey 3201. Lots 1–24 inclusive.
U. S. Survey 3202:
Lots 1–7 inclusive; and
Lots 12–16 inclusive.

Comprising 58 tracts aggregating approximately 174.43 acres.

2. *For Cabin or Business Sites*

Bird Creek Unit:
U. S. Survey 3202: Lots 17–23 inclusive.

Comprising 7 tracts aggregating approximately 17.81 acres.

3. *For Home Sites*

Bird Creek Unit:
U. S. Survey 3201.
Lot 25, and
Lots 28–32 inclusive.
U. S. Survey 3202: Lot 10.

Comprising 7 tracts aggregating approximately 20.18 acres.

2. These lands lie within an elimination from the Chugach National Forest effected by Public Land Order 797 of January 25, 1952. The two areas are about a mile apart, both being situated in valleys opening into Turnagain Arm from the north. The valleys are located approximately 23 miles south of Anchorage and are reached by the paved Anchorage-Seward Highway. The lands are very desirable from a scenic aspect, possessing a fine view of Turnagain Arm and the nearby Chugach and Kenai Mountains. In the Indian Creek area the land slopes rather evenly up the valley to the north. The terrain in the Bird Creek unit is flat to gently rolling. Both areas have a few small groves of mature spruce or cottonwood scattered throughout a new stand of young birch and alder. The temperature range and sequence of weather is similar to that in most portions of south-central Alaska. Snowfall is apt to be considerably heavier than in Anchorage, however, and wind velocities average somewhat above the normal for the general area. Several small streams will provide a source of water for domestic uses and hand-dug wells should also furnish an adequate supply. Sewage disposal can be accomplished through cesspools and septic tanks. Commercial, school, and church facilities are available in Anchorage and to some extent in Girdwood, located 10

miles southeast of these units along Turnagain Arm.

3. This classification order shall not otherwise become effective to change the status of any lands described herein or to permit the leasing of any such lands under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on July 22, 1953. At that time the lands described below shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection, as follows:

(a) *Ninety-one day period for preference right filings.* For a period of 91 days from 10:00 a. m. on July 22, 1953, to close of business on October 20, 1953, inclusive, preference will be given, as set forth above, to:

(1) Applications under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, subject to the requirements of applicable law, and

(2) Applications under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by veterans and other qualified persons under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph.

(b) *Advance period for simultaneous preference right filings.* All applications filed by such veterans and other qualified persons, or by persons claiming preference rights superior to those of such veterans filed under the preceding paragraph (a) on July 1, 1953, or thereafter, up to and including 10:00 a. m. on July 22, 1953, shall be treated as simultaneously filed. All applications filed under the preceding paragraph (a) after 10:00 a. m. on July 22, 1953, shall be considered in the order of filing.

(c) *Date for non-preference right filings.* Commencing at 10:00 a. m. on October 21, 1953, any lands remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under the Small Tract Act by the general public filed on September 30, 1953, or thereafter, up to and including 10:00 a. m. on October 21, 1953, shall be treated as simultaneously filed. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy, (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or which constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly-corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be made on form 4–776 and shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

6. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, under the circumstances, are substantial, and are appropriate for the use for which the lease is issued. Leases will be issued for a period of two years, at an annual rental of $5 for homesites or cabin sites, payable in advance for the entire lease period. Applications for extension for an additional period of one year shall be considered in appropriate cases. The rental for business sites will be in accordance with a schedule of graduated charges based on gross income, with a minimum charge of $20 payable yearly in advance, the remainder, if any, to be paid within 30 days after each yearly anniversary of the lease. Every lease for land classified for lease and sale will contain an option to purchase clause and every such lessee may file an application to purchase at the sale price as provided in the lease.

7. All of the land will be leased in tracts varying in size from approximately 2.00 acres to approximately 5.00 acres, in accordance with the classification maps on file in the Land Office, Anchorage, Alaska. These tracts are appraised at prices ranging from $75 to $475.

8. Lessees must locate any wells or sewage disposal facilities in accordance with the laws and regulations of the Territory of Alaska.

9. The leases will be made subject to rights-of-way for road purposes and public utilities, of 50 feet in width along tract boundary lines, and to such other rights-of-way as may be specified in the Classification and Appraisal Report on file in the Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, State, Territory, County, or Municipality, or by any agency thereof. In the discretion of the authorized officer of the Bureau of Land Management, these rights-of-way may be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 53-5587; Filed, June 24, 1953; 8:46 a. m.]

ALASKA

PUBLIC SALE ACT CLASSIFICATION NO. 11

JUNE 17, 1953.

Pursuant to the authority delegated to me under section 2.21 of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625, 8627), the following described land based on proposed U. S. Surveys 3200 and 3201 is classified for disposal under the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679, 43 U. S. C. 364a–364e) for commercial and housing purposes.

Tract 1: Lot 18 and the eastern 182 feet of Lot 19 of proposed U. S. Survey 3200, containing approximately 3.23 acres. Classified for commercial and housing purposes only.

Tract 2: Lot 21 of proposed U. S. Survey 3200, containing approximately 3.63 acres. Classified for commercial and housing purposes only.

Tract 3: Lot 26 of proposed U. S. Survey 3201, containing approximately 2.5 acres. Classified for commercial and housing purposes only.

Tract 4: Lot 27 of proposed U. S. Survey 3201, containing approximately 2.5 acres. Classified for commercial and housing purposes only.

The above land will be offered for sale in accordance with regulations contained in 43 CFR, 75.32. If no bid at the minimum acceptable price or above is made, the land may be held for future offering or the classification may be rescinded.

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 53-5589; Filed, June 24, 1953; 8:46 a. m.]

IDAHO

CORRECTION OF LAND DESCRIPTION IN NOTICE OF FILING OF PLAT OF SURVEY

JUNE 16, 1953.

Notice is hereby given that the description in the notice of May 8, 1953, published in the FEDERAL REGISTER of May 20, 1953 (18 F. R. 2902), is corrected to read as follows:

T. 22 N., R. 22 E., B. M., Idaho,
Sec. 17, Lot 4;
Sec. 20, Lots 9, 10, 11.

The area described aggregates 48.56 acres.

PAUL A. SHEPARD,
Manager.

[F. R. Doc. 53-5585; Filed, June 24, 1953; 8:45 a. m.]

[Docket No. DA-419]

IDAHO

RESTORATION ORDER UNDER FEDERAL POWER ACT

JUNE 12, 1953.

Pursuant to determination DA-419, Idaho, of the Federal Power Commission and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950, 15 F. R. 5641, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to the status of public domain under the public land laws as provided by law, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat 1075; 16 U. S. C. 818) as amended, and subject to the reservation and stipulation of the right of the United States, its permittees or licensees to use the land for power purposes, that no use shall be made by others which will in any way interfere or be inconsistent with the use of the land by the United States, its permittees, or licensees for power purposes; that any structures, machinery, or improvements placed thereon which shall be found to interfere with power development shall be removed or relocated as may be necessary to eliminate interference with such development, without expense to the United States, its permittees or licensees, and that the United States, its permittees or licensees shall not be held liable for any damage to structures, machinery or improvements placed thereon resulting from construction, operation or maintenance of hydroelectric power facilities authorized by the United States.

IDAHO

T. 48 N., R. 2 W., B. M.,
Sec. 10, lot 1.

The areas described aggregate 38.16 acres.

The land described is characterized in general by steep topography, thin rocky soil, brush and timber cover, with some forage. The land is classified for forest and recreational purposes, suitable for retention in public ownership, for administration by the Bureau of Land Management. While any application that is filed will be considered on its merits, it is unlikely that any part of the restored or open land will be classified for any use or disposal other than that shown above.

The land described shall be subject to application by the State of Idaho for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for a right-of-way for public highways or a source of materials for the construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended, and the stipulations herein provided. This order shall not otherwise affect the status of the lands until 10:00 a. m., on the 91st day after date of the publication of this order in the FEDERAL REGISTER. At that time, the land shall be subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals the requirements of applicable laws and the 90 day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (50 Stat. 747; 43 U. S. C. 279–284) as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request in the Land and Survey Office, Boise.

JAMES F DOYLE,
Assistant Regional Administrator.

[F. R. Doc. 53-5586; Filed, June 24, 1953; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

INTERIM ORDER REGARDING FUNCTIONS AND DUTIES OF THE VARIOUS AGENCIES, OFFICERS, AND EMPLOYEES

Reorganization Plan No. 2, 1953, which went into effect at midnight, June 3, 1953, transfers to the Secretary of Agriculture all functions within this Department not now vested in the Secretary, with the exceptions therein stated. The Plan also provides for the establishment of two additional Assistant Secretaries of Agriculture, an Administrative Assistant Secretary, and authority to the Secretary to make provisions for the performance of his functions, including any functions transferred by the provisions of the Plan.

Pending nomination, confirmation and appointment of the additional officers named in the order, and determinations as to such delegations of functions as may from time to time be deemed requisite, it is necessary to provide for the immediate reconstitution of the Department.

Effective June 4, 1953, and until such time as any different disposition may be ordered, I hereby reconstitute the Department as it existed immediately prior to the effective date of Reorganization Plan No. 2, 1953. Under this order there are hereby reassigned to all agencies, officers and employees, whose functions are transferred to me by Plan No. 2, those functions in accordance with the assignments as they existed immediately prior to the effective date of the Plan. The functions reassigned shall be exercised, pursuant to such orders, instructions and delegations as existed immediately prior to the effective date of Reorganization Plan No. 2, which delegations, orders and instructions are hereby reissued, to remain effective until revoked or modified.

All actions by such agencies and officers taken prior to June 4, 1953, and still in force immediately prior to the effective date of Plan No. 2 shall be deemed to remain in force and effect unless and until revoked or modified by proper authority.

Done at Washington, D. C., this 4th day of June 1953.

[SEAL] E. T. BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-5627; Filed, June 24, 1953; 8:54 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 20]

ORGANIZATION AND FUNCTIONS

AIRPORT DISTRICT OFFICES, REGION 4

In accordance with the public information requirements of the Administrative Procedure Act, the description of the Organization and Functions of the Civil Aeronautics Administration is amended to show the locations of the Airport District Offices of Region 4 and the areas over which they have jurisdiction.

Section 43 (g) (3) (ii) Region 4, published on May 14, 1953, in 18 F R. 2798, is amended to read:

(ii) *Locations and areas served.* * * *
Region 4.

Carson City, Nevada, 319 North Carson Street: Nevada and Utah.

Denver, Colorado, Stapleton Field: Colorado and Wyoming.

Phoenix, Arizona, New Terminal Building, Phoenix Sky Harbor Municipal Airport: Arizona and New Mexico.

San Francisco, California, 26th Floor, 100 McAllister Street: California.

Seattle, Washington, CAA Building, Boeing Field: Washington and California.

This amendment shall become effective on June 15, 1953.

[SEAL] F B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 53-5579; Filed, June 24, 1953; 8:45 a. m.]

Foreign-Trade Zones Board

[Order 33]

BOARD OF HARBOR COMMISSIONERS, CITY OF LOS ANGELES, CALIF.

APPLICATION FOR PERMANENT EXCLUSION OF BERTH 60 AND ADJACENT TRANSIT SHED AND LOW-LINE RAILROAD TRACKS FROM FOREIGN-TRADE ZONE NO. 4

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U. S. C. 81a–81u) the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Whereas, on April 15, 1952, the Foreign-Trade Zones Board issued its Order No. 28, published in the FEDERAL REGISTER on June 3, 1952 (17 F R. 4989), authorizing the establishment on a temporary basis of the boundaries of Foreign-Trade Zone No. 4, Los Angeles Harbor, California, excluding Berth 60 and adjacent transit shed and low-line railroad tracks, expanding the remaining zone area and incorporating therein all of Warehouse No. 1, and providing that the exclusion of Berth 60 and adjacent transit shed and low-line railroad tracks was authorized for a period of one year from the date of the order, subject to extension beyond that time by the Foreign-Trade Zones Board; and

Whereas, the Board of Harbor Commissioners of the City of Los Angeles, for and on behalf of the City of Los Angeles, California, the grantee of Foreign-Trade Zone No. 4, filed an application on November 12, 1952, requesting that Berth 60 and adjacent transit shed and low-line railroad tracks be permanently excluded from Foreign-Trade Zone No. 4, and

Whereas, this Berth 60 and adjacent facilities, during the period they were a part of the zone, had been infrequently used as terminal facilities; and there

is a shortage of terminal facilities in Los Angeles Harbor; and

Whereas, during the period the transit shed adjacent to Berth 60 was a part of the zone, it was used for storage, which was an uneconomical and inappropriate use of said terminal facility; and the inclusion of all of Warehouse No. 1 in the zone, authorized by Order No. 28 of April 15, 1952 provided additional warehouse space much greater than in the transit shed then temporarily excluded from the zone; and

Whereas, Berth 60 and adjacent transit shed and low-line railroad tracks, if excluded from the zone, being adjacent to the zone, would still be available as terminal facilities for ships with zone cargo, and such cargo could be moved directly into the zone with a minimum of interruption and customs supervision;

Now, therefore, the Foreign-Trade Zones Board, after full consideration and a finding that it is in the public interest, hereby orders:

1. That the boundaries of Foreign-Trade Zone No. 4, Los Angeles Harbor, California, be and they hereby are established to conform to revised Exhibits 1, 3, 6, 7, 8, 10, and 13, attached to the application filed November 12, 1952, which exclude Berth 60 and adjacent transit shed and low-line railroad tracks from the zone.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary in connection with the issuance of this order, because it has already been the subject of widespread study and discussion by interested parties in the area of the only foreign-trade zone to which it would apply, and is of a nature that it imposes no burden on the parties of interest. The effective date of this order is, therefore, upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 17th day of June 1953.

FOREIGN-TRADE ZONES BOARD,
[SEAL] SINCLAIR WEEKS,
Secretary of Commerce, Chairman and Executive Officer Foreign-Trade Zones Board.

Attest:

THOS. E. LYONS,
Executive Secretary.

[F. R. Doc. 53-5610; Filed, June 24, 1953; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10525, 10526]

LORAIN JOURNAL CO. AND ELYRIA-LORAIN BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of The Lorain Journal Company, Lorain, Ohio, Docket No. 10525, File No. BPCT-1116; Elyria-Lorain Broadcasting Company, Elyria, Ohio, Docket No. 10526, File No. BPCT-1124; for construction permits for new television stations.

The Commission having under consideration a joint petition filed on June 8, 1953, by The Lorain Journal Company and Elyria-Lorain Broadcasting Company requesting that the commencement of the hearing in the above-entitled proceeding, which is now scheduled to begin on June 26, 1953, be postponed until September 15, 1953; the opposition to such petition filed by the Chief of the Commission's Broadcast Bureau on June 12, 1953; and oral argument thereon heard on June 18, 1953;

It appearing, that counsel for both applicants presently have commitments which make it impracticable for them to commence the hearing on the date now scheduled and have other commitments in the two months which follow which would preclude them from either participating in pretrial conference or the actual trial of the case;

It further appearing, that the Commission in its memorandum opinion and order of June 4, 1953 (FCC 53-701), denying a petition of Elyria-Lorain Broadcasting Company for a conditional grant of its above-entitled application authorizing the television station proposed by petitioner, pending completion of the comparative hearing herein, noted that the community of Elyria, which is approximately 25 miles from Cleveland, Ohio, receives television service from television stations operating on Channels 4, 5 and 9 in Cleveland, and that Elyria is within 15 miles of Lorain;

It further appearing, that a requirement that applicants obtain other counsel to proceed with the hearing on the date presently scheduled would be a heavy burden to place upon them and that sufficient warrant for placing such a burden upon the applicants has not been shown in this case;

It is ordered, This 18th day of June 1953, that the joint petition is granted, and the commencement of the hearing herein is postponed from June 26 to September 15, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-5621; Filed, June 24, 1953; 8:53 a. m.]

[Docket No. 10531]

WILLIAM RUSSELL MILROY, JR.

ORDER CONTINUING HEARING

In the matter of a cease and desist order to be directed to William Russell Milroy, Jr., Docket No. 10531.

There being under consideration the Commission's order to show cause of May 27, 1953, herein (released May 29, 1953), directing respondent Milroy to file a written appearance or waiver within 30 days of the receipt of the order, and scheduling a hearing thereon on June 30, 1953;

It appearing that according to the registered mail return receipt Mr. Milroy received a copy of the order to show cause on June 1, 1953, and that the 30-day period would therefore not expire until after the scheduled hearing date;

It is ordered, This 19th day of June 1953, on the Examiner's own motion, that the hearing now scheduled for June 30, 1953, is continued to July 6, 1953, beginning at 9:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-5620; Filed, June 24, 1953; 8:53 a. m.]

[Docket No. 10544]

ILLINOIS BELL TELEPHONE CO. AND IPAVA CENTRAL TELEPHONE CO.

ORDER ASSIGNING APPLICATION FOR PUBLIC HEARING

In the matter of the application of Illinois Bell Telephone Company, for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of the Ipava Central Telephone Company, Ipava, Illinois; Docket No. 10544, File No. P-C-3263.

The Commission having under consideration an application filed by Illinois Bell Telephone Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by Illinois Bell Telephone Company of certain telephone plant and properties of the Ipava Central Telephone Company, a sole proprietorship owned by Mary Elizabeth Stubblefield as Executrix of the Estate of Oliver W. Stubblefield, deceased, located in Ipava, Illinois, and furnishing telephone service in and around Ipava, Fulton County, Illinois, will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 16th day of June, 1953, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon said application be held at the offices of the Commission in Washington, D. C., beginning at 9:00 a. m., on the 7th day of July 1953, and that a copy of this order shall be served upon Illinois Bell Telephone Company, Mary Elizabeth Stubblefield, d/b as Ipava Central Telephone Company, the Governor of the State of Illinois, the Illinois Commerce Commission and the Postmaster of Ipava, Illinois;

It is further ordered, That within five days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in Ipava, Illinois, and in Fulton County,

Illinois, and shall furnish proof of such publication at the hearing herein.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-5619; Filed, June 24, 1953; 8:53 a. m.]

[Docket Nos. 10547-10549]

SOUTHERN BAPTIST COLLEGE (KRLW) ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Southern Baptist College (KRLW), Walnut Ridge, Arkansas, Docket No. 10547, File No. BP-8372; Sam C. Phillips, Clarence A. Camp and James E. Connolly d/b as Tri-State Broadcasting Service, Memphis, Tennessee, Docket No. 10548, File No. BP-8775; Southern Broadcasting Service, Inc., Memphis, Tennessee, Docket No. 10549, File No. BP-8802; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of June 1953;

The Commission having under consideration the above-entitled applications of Tri-State Broadcasting Service and Southern Broadcasting Service, Inc., for construction permits for new standard broadcast stations to operate on 730 kilocycles, with a power of 250 watts, daytime only, at Memphis, Tennessee; the above-entitled application of Southern Baptist College, licensee of Radio Station KRLW (1320 kilocycles, 1 kilowatt, daytime) for construction permit to change facilities to 730 kilocycles, 1 kilowatt, daytime, at Walnut Ridge, Arkansas; and

It appearing, that the applicants are legally, technically, financially and otherwise qualified to operate the proposed stations, and Station KRLW as proposed, but that the operation of all three stations as proposed would result in mutually prohibitive interference with each other, and that the application of Southern Baptist College may involve interference with Station KWRE, Warrenton, Missouri; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated April 15, 1953, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that the applicants filed replies to the Commission's letter on April 27, April 22, and May 14, 1953, respectively; and

It further appearing, that the Commission, after consideration of the replies, is still unable to conclude that a grant of any of the above applications would be in the public interest, and moreover, is of the opinion that under section 316 of the Communications Act of 1934, as amended, a hearing is mandatory on the Southern Baptist College application.

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the availability of other primary service to such areas and population.

2. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

3. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the operation of Radio Station KRLW would involve objectionable interference with Station KWRE, Warrenton, Missouri; and, if so, the nature and extent thereof, the areas and populations affected thereby, the availability of other primary service to such areas and populations, and the nature and character of the program service rendered by Station KWRE to such areas and populations.

5. To determine, on a comparative basis, which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

It is further ordered, That William T. Zimmerman, licensee of Radio Station KWRE, Warrenton, Missouri, is made a party to this proceeding.

Released: June 19, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-5618; Filed, June 24, 1953; 8:52 a. m.]

[Docket Nos. 10550, 10551]

LOUISIANA TELEVISION BROADCASTING CORP. AND SOUTHERN TELEVISION CO. OF BATON ROUGE, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Louisiana Television Broadcasting Corporation, Baton Rouge, Louisiana, Docket No. 10550, File No. BPCT-1665; Southern Television Company of Baton Rouge, Inc., Baton Rouge, Louisiana, Docket No. 10551, File No. BPCT-1673; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of June 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 2 in Baton Rouge, Louisiana; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applicants were advised by letters dated April 24, 1953, that their applications were mutually exclusive and that a hearing would be necessary; that Louisiana Television Broadcasting Corporation was advised by letters dated April 24, 1953, and June 5, 1953, that certain questions were raised as a result of deficiencies of a technical nature in its application, that the question of whether its proposed antenna system and site would constitute a hazard to air navigation was unresolved, and that a question was raised as to whether a grant of its application would serve the public interest, convenience and necessity in the light of § 3.35 of the Commission's rules and Commission policy; and that Southern Television Company of Baton Rouge, Inc., was advised by letters dated April 24, 1953, and May 28, 1953, that certain questions were raised as a result of deficiencies of a financial nature in its application, and that the question of whether its proposed antenna system and site would constitute a hazard to air navigation was unresolved; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Louisiana Television Broadcasting Corporation is legally and financially qualified to construct, own and operate a television broadcast station, and is technically qualified to construct, own and operate a television broadcast station except as to the matters raised in issues "1" and "3" below, but that its application, considered in the light of § 3.35 of our rules and our established policy, raises a serious question as to whether a grant thereof would result in a lessening of competition between standard broadcast Stations WJBO and WLCS; and that Southern Television Company of Baton Rouge, Inc., is legally qualified to construct, own and operate a television broadcast station, and is technically so qualified except as to the matter raised in issue "3" below;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled ap-

plications are designated for hearing in a consolidated proceeding to commence at 9:00 a. m. on July 17, 1953, in Washington, D. C., upon the following issues:

1. To determine whether the erection of the television antenna and tower proposed in the above-entitled application of Louisiana Television Broadcasting Corporation would adversely affect the ability of standard broadcast Station WJBO to operate in accordance with the terms of its license, particularly with respect to the operation of the radiating system of that station; whether corrective measures for such effects are possible and feasible; and what proof should be submitted to show that such corrective measures have been taken after erection and operation of the said proposed antenna and tower.

2. To determine, in the light of the provisions of § 3.35 of the Commission's rules and the Commission's policy with respect to complete divorcement of management, ownership and other interests between stations of the same class in the same community or serving substantially the same area, what special circumstances, if any, exist which might justify the grant of the above-entitled application of Louisiana Television Broadcasting Corporation.

3. To determine whether the installation and operation of either of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

4. To determine whether Southern Television Company of Baton Rouge, Inc. is financially qualified to construct, own and operate the proposed television broadcast station.

5. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

Released: June 19, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-5617; Filed, June 24, 1953; 8:52 a. m.]

[Docket Nos. 10552, 10553]

MUSIC BROADCASTING CO. AND W. S. BUTTERFIELD THEATRES, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Music Broadcasting Company, Grand Rapids, Michigan, Docket No. 10552, File No. BPCT-1275; W. S. Butterfield Theatres, Inc., Grand Rapids, Michigan, Docket No. 10553, File No. BPCT-1502; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of June 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 23 in Grand Rapids, Michigan; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters dated May 21, 1953, that their applications were mutually exclusive and that a hearing would be necessary; and that W. S. Butterfield Theatres, Inc., was advised by the said letter that certain questions were raised as to its financial qualification to construct, own and operate the proposed station and as to whether its proposal satisfied the requirements of the Commission's rules, and that the question of whether its proposed antenna system and site would constitute a hazard to air navigation was unresolved; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Music Broadcasting Company is legally, financially, and technically qualified to construct, own and operate a television broadcast station; and that W. S. Butterfield Theatres, Inc., is legally and financially qualified to construct, own and operate a television broadcast station, and is technically so qualified except as to the matter referred to in issue "1" below;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine whether the installation and operation of the station proposed by W. S. Butterfield Theatres, Inc., in its above-entitled application would constitute a hazard to air navigation.

2. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

Released: June 19, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-5616; Filed, June 24, 1953; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1791, G-2056]

CENTRAL KENTUCKY NATURAL GAS CO.

ORDER CONSOLIDATING PROCEEDINGS, FIXING DATE OF HEARING, AND SPECIFYING PROCEDURE

On August 17, 1951, Central Kentucky Natural Gas Company (Central Kentucky) filed its FPC Gas Tariff, Second Revised Volume No. 1. By order issued September 12, 1951, in Docket No. G-1791, pending a hearing concerning the lawfulness of the rates, charges, and classifications contained in said Second Revised Volume No. 1, the Commission suspended said Second Revised Volume No. 1 and deferred its use until February 17, 1952, and until such further time thereafter as the tariff might be made effective in the manner prescribed by the Natural Gas Act.

On February 6, 1952, Central Kentucky filed proposed First Revised Sheet Nos. 7 and 8 to its FPC Gas Tariff, Second Revised Volume No. 1, and requested permission, under § 154.66 of the Commission's rules, to replace and supersede its Original Sheet Nos. 7 and 8 of its FPC Gas Tariff, Second Revised Volume No. 1, with said First Revised Sheet Nos. 7 and 8.

By order issued February 15, 1952, in Docket No. G-1791, the permission requested was granted and the said First Revised Sheet Nos. 7 and 8 were suspended and their use deferred under the conditions set forth in the order issued September 12, 1951, in this proceeding.

On February 15, 1952, Central Kentucky requested that the suspended tariff became effective on February 17, 1952. By order issued February 29, 1952, the Commission permitted Central Kentucky's FPC Gas Tariff, Second Revised Volume No. 1 as amended by First Revised Sheet Nos. 7 and 8 to become effective as of February 17, 1952, under bond and subject to refund, if so ordered, in accordance with the terms of the order issued on that date.

On August 15, 1952, Central Kentucky filed its FPC Gas Tariff, Third Revised Volume No. 1, to supersede its FPC Gas Tariff, Second Revised Volume No. 1. By order issued September 12, 1952, in Docket No. G-2056, pending a hearing concerning the lawfulness of the rates, charges, and classifications contained in said Third Revised Volume No. 1, the Commission suspended said Third Revised Volume No. 1 and deferred its use

until February 15, 1953, and until such further time thereafter as such proposed tariff might be made effective in the manner prescribed by the Natural Gas Act.

Upon motion filed by Central Kentucky on February 11, 1953, Central Kentucky's FPC Gas Tariff, Third Revised Volume No. 1 became effective as of February 15, 1953, under bond and subject to refund, if so ordered, in accordance with the terms of an order issued March 6, 1953, in Docket No. G–2056.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and good cause exists for consolidation of the proceedings in Docket Nos. G–1791 and G–2056.

(2) A public hearing in the above-entitled proceedings should be held at the date, time and place hereinafter designated.

(3) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and it is in the public interest that the procedure hereinafter prescribed be followed at the hearing hereinafter ordered in order to conduct the proceedings with reasonable dispatch.

The Commission orders:

(A) The proceedings in Docket Nos. G–1791 and G–2056 be and they are hereby consolidated for purposes of hearing.

(B) A public hearing will be held commencing on July 27, 1953, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications, and services of Central Kentucky's FPC Gas Tariff, Second and Third Revised Volumes No. 1, and the rules, regulations, practices, and contracts relating thereto.

(C) At the hearing Central Kentucky shall first present and complete its cases-in-chief in Docket Nos. G–1791 and G–2056 before cross-examination is undertaken.

(D) In the interest of expedition, Central Kentucky shall, not later than July 20, 1953, serve upon all parties herein, including Commission Staff counsel, copies of all prepared testimony and exhibits proposed to be offered at the hearing.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: June 18, 1953.

Issued: June 19, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-5591; Filed, June 24, 1953; 8:47 a. m.]

[Docket Nos. G–1813, G–1937, G–2023]

INDIANA GAS & WATER CO., INC., AND PANHANDLE EASTERN PIPE LINE CO.

ORDER GRANTING REHEARING

In the matters of Indiana Gas & Water Company, Inc., Docket No. G–1813; Panhandle Eastern Pipe Line Company, Docket No. G–1937; Indiana Gas & Water Company, Inc. v. Panhandle Eastern Pipe Line Company; Docket No. G–2023.

On May 20, 1953, Panhandle Eastern Pipe Line Company (Panhandle) filed an application for rehearing of the order of the Commission issued on April 22, 1953, in these matters. Such order modified and affirmed, as modified, the initial decision of the Presiding Examiner issued on February 27, 1953. In brief, the initial decision, as modified, granted certificates of public convenience and necessity at Docket Nos. G–1813 and G–1937, permitted abandonment by sale at Docket No. G–1937, and required Panhandle to take appropriate steps to eliminate the unlawful discrimination found to exist at Docket No. G–2023.

It appears that the application for rehearing presents new matters not previously considered.

The Commission finds: Good cause exists to allow Panhandle to make a showing on the questions of fact and law raised by the aforesaid application, and, accordingly, such application should be granted.

The Commission orders: The application for rehearing be and it is hereby granted and the rehearing shall be held at a date and place to be hereafter fixed by Commission order.

Adopted: June 18, 1953.

Issued: June 19, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53–5592; Filed, June 24, 1953; 8:47 a. m.]

[Docket No. G–2185]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

JUNE 19, 1953.

Take notice that Montana-Dakota Utilities Co. (Applicant) a Delaware corporation, address Minneapolis, Minnesota, filed on June 8, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 0.508 mile of 6-inch branch transmission pipeline from Applicant's existing 12-inch Williston Line in Williams County, North Dakota, to its gas turbine electric generating station in the City of Williston, North Dakota; approximately 2.5 miles of 12-inch gas transmission pipeline from Applicant's existing 12-inch pipeline in Morton County, North Dakota, to the side of its power plant now under construction near Mandan, North Dakota; approximately 8.3 miles of 4-inch branch transmission line in a different location to replace an existing 3-inch branch transmission line serving Spearfish, South Dakota, said line to extend from Applicant's existing Black Hills 12-inch pipeline in Lawrence County, South Dakota, to the Spearfish town border station; and approximately 1,150 feet of 4-inch branch transmission line from Applicant's existing 6-inch pipeline serving the Rapid City Air Base, to a second town border station to serve Rapid City, South Dakota, together with said town border station.

Applicant proposes the construction and operation of the facilities to its generating station in Williston, North Dakota, to increase the capacity of facilities serving said station and to avoid the necessity of recompressing gas for use in said power plant. Applicant proposes the construction and operation of the 12-inch line to serve its proposed power plant near Mandan, North Dakota to provide natural gas for use on an off-peak basis, and proposes the 12-inch line in lieu of smaller diameter pipe to provide for plant expansion and service to other plants in the area. Applicant states that its existing line to Spearfish, South Dakota, is inadequate to serve the load in that community which has grown from December 1946 to December 1952, from 567 to 852 customers. Applicant proposes to replace the existing line to Spearfish with 4-inch pipe because the present 3-inch line is inadequate for the load at Spearfish. The proposed facilities to serve Rapid City, South Dakota, are designed to insure continuity of service and to provide a new point of delivery which is required due to inadequacy of certain intermediate pressure lines in Applicant's distribution system in said community.

The estimated total over-all cost of construction of the proposed facilities is $132,507. Applicant proposes to finance said costs of construction by funds supplied from its working capital.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of July 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53–5590; Filed, June 24, 1953; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28198]

PHOSPHATE ROCK FROM FLORIDA TO LEXINGTON, VA.

APPLICATION FOR RELIEF

JUNE 22, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company, The Chesapeake and Ohio Railway Company and Seaboard Air Line Railroad Company.

Commodities involved: Phosphate rock, ground or not ground, slush and floats, and soft phosphate, not acidulated nor ammoniated, carloads.

From: Points in Florida.

To: Lexington, Va.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Atlantic Coast Line Railroad Company, ICC No. B-3232, supl. 79, Seaboard Air Line Railroad Company, ICC No. A-8153, supl. 76.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-5597; Filed, June 24, 1953; 8:48 a. m.]

[4th Sec. Application 28199]

WALL OR INSULATING BOARDS FROM MACON, GA., TO MONTGOMERY AND OTHER STATIONS IN ALABAMA

APPLICATION FOR RELIEF

JUNE 22, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company and Georgia Southern and Florida Railway Company.

Commodities involved: Boards, wall or insulating, viz., fibreboard, pulpboard or strawboard, or fiberboard, pulpboard or strawboard and wood combined, carloads.

From: Macon, Ga.

To: Montgomery, Ala., and certain other stations in Alabama.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: W P. Emerson, Jr., Agent, ICC No. 418, supl. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-5598; Filed, June 24, 1953; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3069]

CITIES SERVICE CO. ET AL.

ORDER AUTHORIZING AMENDMENTS TO CHARTER OF SUBSIDIARY AND CONTAINING RECITALS REQUIRED BY THE INTERNAL REVENUE CODE

JUNE 19, 1953.

In the matter of Cities Service Company, The Gas Service Company, Gas Advisers, Inc., File No. 70-3069.

Cities Service Company ("Cities"), a registered holding company, The Gas Service Company ("Gas Service"), a public-utility subsidiary of Cities, and Gas Advisers, Inc. ("Gas Advisers"), a mutual service company owned by various subsidiaries in the Cities system which are served by said service company, having filed a joint application-declaration, and amendments thereto, pursuant to sections 6, 7, 9, 11 and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42, U-43, U-44 and U-50 promulgated thereunder with respect to the following transactions:

Cities owns all of the outstanding capital stock of Gas Service, consisting of 850,000 shares of common stock with a par value of $10 per share. As originally filed, the application-declaration contemplated that, following the change in the outstanding shares of Gas Service's stock as described below, Cities would sell, pursuant to the competitive bidding requirements of Rule U-50, all of its holdings of the common stock of Gas Service; and that upon consummation of said sale, Gas Service would sell, and Gas Advisers would purchase for retirement, all of the former's stockholdings in the latter, consisting of 270 shares of $100 par value, for a consideration of $27,000. Applicants-declarants have filed an amendment to said application-declaration requesting that the Commission defer action on the above matters and approve only the transactions described below with respect to the proposed amendments to the Certificate of Incorporation of Gas Service.

Gas Service proposes to amend its Certificate of Incorporation so as to increase its authorized common stock from 850,000 shares to 2,000,000 shares with a par value of $10 per share, and to change its outstanding common stock to 1,500,000 shares, all of which will be owned by Cities. In connection with said increase of its outstanding common stock, Gas Service will transfer to its capital stock account all of its $331,697.70 of capital surplus, and $6,168,302.30 of its earned surplus.

Gas Service further proposes to amend its Certificate of Incorporation as follows:

(a) To provide for cumulative voting in elections of directors and to give common stockholders preemptive rights to purchase pro rata any new or additional shares of common stock, or securities convertible into common stock, that may be offered for money unless such offer be a public offering or an offering to or through underwriters or investment bankers who shall have agreed to make a public offering of such shares;

(b) To provide that the provisions relating to cumulative voting and preemptive rights shall not be amended without the affirmative vote of the holders of at least two-thirds of the outstanding common stock;

(c) To provide that, except under certain specified conditions, Gas Service shall not merge or consolidate with another corporation without the affirmative vote of the holders of at least two-thirds of the outstanding common stock;

(d) To provide that a majority of the shares entitled to vote, represented in person or by proxy, shall constitute a quorum for meetings of stockholders and that this provision shall not be amended without the affirmative vote of the holders of at least a majority of the outstanding common stock;

(e) To provide that no person shall be a director or officer of Gas Service who is also a director or officer of Cities, or is a director or officer of any company which is or formerly was in the holding company system of Cities, and that a majority of the directors shall at all times be persons who are not employees or officers of Gas Service; and that this provision shall not be altered or repealed without the affirmative vote of the holders of at least a majority of the outstanding common stock.

The Public Service Commission of Missouri, the State Corporation Commission of Kansas and the Nebraska State Railway Commission have authorized the proposed change by Gas Service of its presently outstanding 850,000 shares of common stock into 1,500,000 shares of common stock of the par value of $10 per share, and in connection therewith the transfer of $331,697.70 of capital surplus and $6,168,302.30 of earned surplus to capital stock account in respect of such shares.

It is requested that the Commission's order herein make the necessary findings and contain the recitals required by Supplement R and section 1808 (f) of the Internal Revenue Code, as amended, with respect to the proposed change by Gas Service of its outstanding 850,000 shares of common stock into 1,500,000 shares and the issuance by said company of a new certificate or certificates and shares represented thereby to Cities in exchange for the certificate or certificates now held by Cities representing the 850,000 shares now outstanding.

It is further requested that the order herein become effective upon its issuance.

Due notice having been given of the filing of the application-declaration and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the Act and Rules promulgated thereunder are satisfied with respect to the proposed amendments to the Certificate of Incorporation of Gas Service and the accounting in connection therewith, and that no adverse findings are necessary with respect thereto, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith insofar as it relates to the proposed amendments to the Certification of Incorporation of Gas Service, including the proposed change in the company's outstanding shares of capital stock and the accounting in connection therewith; and it appearing that it is not necessary to impose terms and conditions, other than those specified below:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be and it hereby is, granted and permitted to become effective forthwith insofar as it relates to the amendments to the Certificate of Incorporation of Gas Service, including the proposed change in the company's outstanding shares of capital stock and the accounting in connection therewith, subject to the terms and conditions prescribed in Rule U-24 and to the following additional term and condition: That jurisdiction be and it hereby is, reserved with respect to all fees and expenses incurred or to be incurred in connection with the proposed transactions including those transactions as to which the Commission has been requested to defer action.

It is further ordered, That jurisdiction be, and it hereby is, reserved with respect to the sale by Cities, at competitive bidding, of all of its interest in Gas Service, and all other transactions proposed in the application-declaration not specifically approved herein.

It is further ordered and recited and the Commission finds, That the change, by amendment of the Certificate of Incorporation, of the 850,000 shares of common stock of $10 par value each of The Gas Service Company into 1,500,000 shares of common stock of $10 par value each and the issuance by The Gas Service Company of the new certificate or certificates and shares represented thereby to Cities Service Company in exchange for the certificate or certificates now held by it representing the 850,000 shares of common stock now outstanding, all as hereinbefore in this order authorized, approved and directed, are necessary or appropriate to the integration or simplification of the holding company system of which Cities Service Company and The Gas Service Company are members, and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, within the meaning of sections 371, 373 (a) and 1808 (f) of the Internal Revenue Code, as amended, and jurisdiction is hereby reserved to amend, supplement, or modify, upon the petition or application of The Gas Service Company or Cities Service Company, the recitals, itemizations, and specifications required by Supplement R of the Internal Revenue Code, as amended, with respect to the above-described transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-5593; Filed, June 24, 1953; 8:47 a. m.]

[File No. 70-3088]

HEVI DUTY ELECTRIC CO.

NOTICE OF FILING REGARDING ACQUISITION OF NON-UTILITY SECURITIES AND ISSUANCE OF BANK DEBT

JUNE 19, 1953.

Notice is hereby given that an application has been filed by Hevi Duty Electric Company ("Hevi Duty") a non-utility company which is a subsidiary of The North American Company a registered holding company. The applicant has designated sections 6, 7, 9 and 10 of the Public Utility Holding Company Act of 1935 ("act") as being applicable to the proposed transactions which are summarized as follows:

Hevi Duty proposes to purchase from the holders of the issued and outstanding common stock of a non-affiliate, the Anchor Manufacturing Company ("Anchor") 15,645 shares of such stock, constituting all the issued and outstanding shares of Anchor. Anchor is a Massachusetts corporation which manufactures and sells certain electrical devices including meter-sockets, meter-cabinets, meter-troughs, load centers, transformer cabinets, service entrance equipment, service cable fittings, central station meter testing panels, and various types of special meter devices. An agreement for sale of part of the Anchor stock, subject to approval by the Commission, has already been entered into by several holders of shares of said stock. By the terms of the agreement, the remaining stockholders are enabled to join into it by executing a Letter of Agreement and Transmittal and forwarding it, together with the shares to be sold, to an Escrow Agent, for delivery upon consummation of the transaction. Hevi Duty's obligation under the contract to purchase the stock is subject, in Hevi Duty's discretion, to the condition precedent that all outstanding common stock of Anchor be sold under the agreement.

According to the agreement, Hevi Duty is to pay a purchase price consisting of an initial payment of $19.25 per share and subsequent annual payments. The annual payments are to be made at the end of each of the five twelve-month periods subsequent to the sale, and for each of the first two such periods shall equal in the aggregate 50 percent of the net income of Anchor for that period, and for the subsequent three periods, 40 percent of the net income in each period. Such payments are to be made pro rata in accordance with the holdings of stock sold under the agreement. Should the annual payments aggregate less than $175,000 after the fifth payment, then payments are to be continued at the 40 percent rate for subsequent twelve-month periods until the total of $175,000 is reached.

Hevi Duty also proposes to borrow $450,000 from the Chemical Bank & Trust Company of New York City. The loan bears interest at 3½ percent per year and becomes due April 1, 1955. The loan will be made subsequent to the effectiveness of this declaration and prior to the consummation of the proposed purchase of Anchor stock. The details of the loan and the form of the loan agreement are presently being negotiated and will be supplied by amendment. It is intended to use $301,166.25 of the loan for the cash payments of $19.25 per share on the 15,645 shares of the common stock of Anchor proposed to be purchased above. The remaining $148,833.75 of the loan is desired as additional working capital needed to implement the expected expansion of the business of Hevi Duty due to long term growth as well as to the large scale orders received in recent months.

The Company states that no regulatory commission other than this Commission has jurisdiction over the proposed transactions.

The applicant has requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than July 8, 1953, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and reguations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a), and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-5595; Filed, June 24, 1953; 8:48 a. m.]